

Judicial Council of

Virginia



2005

Report to the General Assembly and Supreme Court of Virginia

2005

Judicial Council of Virginia

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General Assembly
and
Supreme Court of Virginia



General Information for Individuals With Disabilities

The Court System has adopted a policy of non-discrimination in both employment and in access to its facilities, services, programs and activities. Individuals with disabilities who need accommodation in order to have access to court facilities or to participate in court system functions are invited to request assistance from court system staff. Individuals (not employed by the court system) with disabilities who believe they have been discriminated against in either employment or in access may file a grievance through local court system officials. Those who need printed material published by the court system in another format, those who have general questions about the court system in another format or those who have general questions about the court system's non-discrimination policies and procedures may contact the Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219. The telephone number is 804/786-6455; communication through a telecommunications device (TDD) is also available at this number.

CHIEF JUSTICE
LEROY ROUNTREE HASSELL, SR.

JUSTICES
ELIZABETH B. LACY
BARBARA MILANO KEENAN
LAWRENCE L. KOONTZ, JR.
CYNTHIA D. KINSER
DONALD W. LEMONS
G. STEVEN AGEE

SENIOR JUSTICES
HARRY L. CARRICO
A. CHRISTIAN COMPTON
ROSCOE B. STEPHENSON, JR.
CHARLES S. RUSSELL

SUPREME COURT OF VIRGINIA



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TO: Members of the General Assembly and Justices of the Supreme Court of Virginia

It is my pleasure to submit to you the 2005 Report of the Judicial Council of Virginia. The purpose of this report is to advise you of the progress that Virginia's judicial system has made during the past year.

In a rapidly changing world, Virginia's judicial system must constantly reassess its practices, procedures, and operations to ensure that our courts are able to meet new challenges and take advantage of new opportunities. For this reason, in 2005 I appointed the second commission to study the future of Virginia's judiciary: Virginia's Courts in the 21st Century: To Benefit All, To Exclude None. In 2006, this Commission will present recommendations to the Judicial Council and the Supreme Court. These recommendations, that will serve as a basis for the judicial system's future strategic plans, will assist Virginia's courts as we seek to improve the quality of justices and services rendered to all citizens.

Virginia's judicial system has implemented significant initiatives that will improve the quality of justice and service provided to Virginians. Many of these initiatives have been undertaken to implement tasks set forth in our 2004-06 Strategic Plan. These initiatives include: greater administrative oversight of our drug treatment court programs to ensure that they are effective in reducing the incidence of drug use, drug addiction, and family separation attributed to substance abuse; implementation of a new statewide judicial performance evaluation program; establishment of a commission that will examine Virginia's mental health laws and the involuntary mental commitment procedures; educational training for lawyers who represent indigent criminal defendants; additional judicial education programs for judges; and the promulgation of rules designed to protect confidential data contained in court records. We have also implemented a program, Journey Through Justice, which will assist parents and educators who teach Virginia's students about the history, role, and structure of Virginia's courts.

The Judicial Council is required to study the organization, rules and methods of procedure and practice in Virginia's courts. In 2005, at the direction of the Supreme Court of Virginia, the Judicial Council recommended and the Supreme Court approved rules that apply to a single form of action. The Judicial Council and the Supreme Court of Virginia will also consider the adoption of rules of evidence for our courts.

More than four million new proceedings are commenced in Virginia's courts each year. The judicial system seeks to ensure the fair and efficient adjudication of every case. In furtherance of this important objective, the Judicial Council recommends the creation of an additional judgeship in the Third Judicial Circuit and supporting documentation is attached to this report. We have also included other recommendations for your review.

On behalf of the judicial branch of government, I thank you for your continued support and cooperation. May God bless our Commonwealth and our honorable courts.

Sincerely,

A handwritten signature in cursive script that reads "Leroy Rountree Hassell, Sr." The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Leroy Rountree Hassell, Sr.

Table of Contents



Letter from Leroy Rountree Hassell, Sr., Chief Justice, Supreme Court of Virginia

The Judicial Council of Virginiai

Committees of the Judicial Council of Virginiaii

Organizational Chart of Virginia’s Judicial Branchv

Chapter 1 Proceedings of the Judicial Council of Virginia1

- Legislative Proposals for the 2005 General Assembly Session**
- Request for New Judgeship in the Third Judicial Circuit
- Creation of a Courts Technology Fund
- Social Security Numbers of Divorce Decrees
- Statements of Economic Interests
- Appointment of Counsel for Indigent Defendants

Proceedings

- Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None
- Family Court Study
- Judicial Performance Evaluation Program
- Drug Treatment Court Programs
- Revised Judicial Disqualification Policy
- Report on Capital Case Judicial Institute
- Report on Chief Justice’s Initiative for Training Counsel Representing Indigent Defendants
- Policy Statements Regarding the Continuing Judicial Education of Retired Judges Subject to Recall and Substitute Judges
- Study of Mental Health Laws and The Involuntary Mental Commitment Process
- Committee to Prepare Rules of Court Defining Public Access to Court Records
- Committee to Study Guardians Ad Litem
- Simplifying Civil Procedure: Creating a Unified Civil Procedure
- The Honorable Harry L. Carrico Outstanding Career Service Award

Chapter 2 Update of the Judiciary’s 2004-2006 Strategic Plan11

Chapter 3 Requests for New Judgeship in the Third Judicial Circuit35

Chapter 4 Commission on Virginia Courts in the 21st Century:
To Benefit All, To Exclude None39

Chapter 5 Update on Implementation of the
Judicial Performance Evaluation Program43

Chapter 6 Drug Treatment Court Programs in Virginia47

Chapter 7 Changes to Rules of Court55

Proposed Legislation59

Map of the Judicial Circuits and Districts of Virginia81

The Judicial Council of Virginia

The Honorable Leroy Rountree Hassell, Sr.	Chief Justice, Supreme Court of Virginia
The Honorable Johanna L. Fitzpatrick	Chief Judge, Court of Appeals of Virginia
The Honorable S. Bernard Goodwyn	Judge, First Judicial Circuit
The Honorable Randall G. Johnson	Judge, Thirteenth Judicial Circuit
The Honorable Paul M. Peatross, Jr.	Judge, Sixteenth Judicial Circuit
The Honorable Leslie M. Alden	Judge, Nineteenth Judicial Circuit
The Honorable William N. Alexander II	Judge, Twenty-second Judicial Circuit
The Honorable Birg E. Sergent	Chief Judge, Thirtieth Judicial Circuit
The Honorable Alfreda Talton-Harris	Judge, Fifth Judicial District (J&DR)
The Honorable Kenneth W. Stolle	Member, Senate of Virginia
The Honorable Walter A. Stosch*	Member, Senate of Virginia*
The Honorable William J. Howell*	Speaker, Virginia House of Delegates*
The Honorable Robert F. McDonnell	Member, Virginia House of Delegates
The Honorable Kenneth R. Melvin*	Member, Virginia House of Delegates*
William G. Broaddus, Esquire	Attorney-at-law, Member of the Bar of the City of Richmond
George W. Wooten, Esquire	Attorney-at-law, Member of the Bar of the City of Roanoke
Karl R. Hade	Ex-officio Secretary

*By invitation of the Chief Justice of Virginia

Committees of the Judicial Council of Virginia

Executive Committee

The Honorable Leroy Rountree Hassell, Sr., Chief Justice, Chair

The Honorable Johanna L. Fitzpatrick, Chief Judge

The Honorable Randall G. Johnson, Judge

Information and Public Relations Committee

The Honorable Johanna L. Fitzpatrick, Chief Judge, Chair

The Honorable Paul M. Peatross, Jr., Judge

Mr. George W. Wooten, Esquire

Ex-Officio:

The Honorable Robert M. Armstrong, Judge, Chair, Information and Public Relation Committee,
Judicial Conference of Virginia for District Courts

Criminal Procedure Committee

The Honorable S. Bernard Goodwyn, Judge, Chair

The Honorable Birg E. Sergent, Judge

Ex-Officio:

The Honorable Kathleen H. MacKay, Judge, Chair, Probation, Parole and Corrections Committee,
Judicial Conference of Virginia

The Honorable Norman DeV. Morrison, Judge, Chair, Probation, Parole and Corrections Committee,
Judicial Conference of Virginia for District Courts

Judicial Administration Committee

The Honorable Randall G. Johnson, Judge, Chair

The Honorable Johanna L. Fitzpatrick, Chief Judge

Mr. William G. Broaddus, Esquire

Ex-Officio:

The Honorable Paul M. Peatross, Judge, Chair, Judicial Administration Committee, Judicial Conference
of Virginia

Judicial Compensation, Retirement and Insurance Committee

The Honorable Suzanne K. Fulton, Judge, Chair

The Honorable William N. Alexander II, Judge

The Honorable Alfreda Talton-Harris, Judge

Ex-Officio:

The Honorable Walter S. Felton, Jr., Judge, Chair, Judicial Compensation, Retirement and Insurance
Committee, Judicial Conference of Virginia

The Honorable Louis A. Sherman, Judge, Chair, Judicial, Compensation, Retirement and Insurance
Committee, Judicial Conference of Virginia for District Courts

Judicial Conduct Committee

The Honorable Leslie M. Alden, Judge, Chair

The Honorable Birg E. Sergent, Judge

Mr. George W. Wooten, Esquire

Ex-Officio:

The Honorable J. Michael Gamble, Judge, Chair, Judicial Conduct Committee, Judicial Conference of Virginia

The Honorable Thomas L. Murphey, Judge, Chair, Judicial Conduct Committee, Judicial Conference of Virginia for District Courts

Judicial Education Committee

The Honorable Paul M. Peatross, Judge, Chair

The Honorable Leslie M. Alden, Judge

Ex-Officio:

The Honorable Clifford R. Weckstein, Judge, Chair, Judicial Education Committee, Judicial Conference of Virginia

The Honorable Morton V. Whitlow, Judge, Chair, Judicial Education Committee, Judicial Conference of Virginia for District Courts

Law Revision Committee

The Honorable William N. Alexander II, Judge, Chair

The Honorable S. Bernard Goodwyn, Judge

The Honorable Alfreda Talton-Harris, Judge

The Honorable William J. Howell, Speaker, Virginia House of Delegates

Ex-Officio:

The Honorable A. Ellen White, Judge, Chair, Law Revision Committee, Judicial Conference of Virginia for District Courts

Advisory Committee on Rules of Court

Mr. Kent Sinclair, Professor of Law, Chair

The Honorable Rudolph Bumgardner, III, Judge

The Honorable Arthur Kelsey, Judge

The Honorable Stanley P. Klein, Judge

The Honorable Nolan B. Dawkins, Judge

The Honorable Julian H. Raney, Jr., Judge

The Honorable Melvin R. Hughes, Jr., Judge

The Honorable David A. Bell, Clerk

Mr. Hamilton Bryson, Professor of Law

Ms. Elizabeth M. Allen, Esquire

Mr. Craig S. Cooley, Esquire

Mr. William D. Dolan III, Esquire

Mr. William B. Poff, Esquire

Mr. Hunter W. Sims, Jr., Esquire

Joan Ziglar, Esquire

John Charles Thomas, Esquire

Standing Committee Regarding Commissioners of Accounts

Mr. William G. Murray, Esquire, Chair

Mr. Richard C. Manson, Esquire, Vice-Chair

The Honorable Randall G. Johnson, Judge

The Honorable Robert W. Wooldridge, Judge

The Honorable Yvonne G. Smith, Clerk

Mr. J. Rodney Johnson, Professor of Law

Ms. Suzanne W. Doggett, Esquire

Ms. Mary Ann Hinshelwood, Esquire

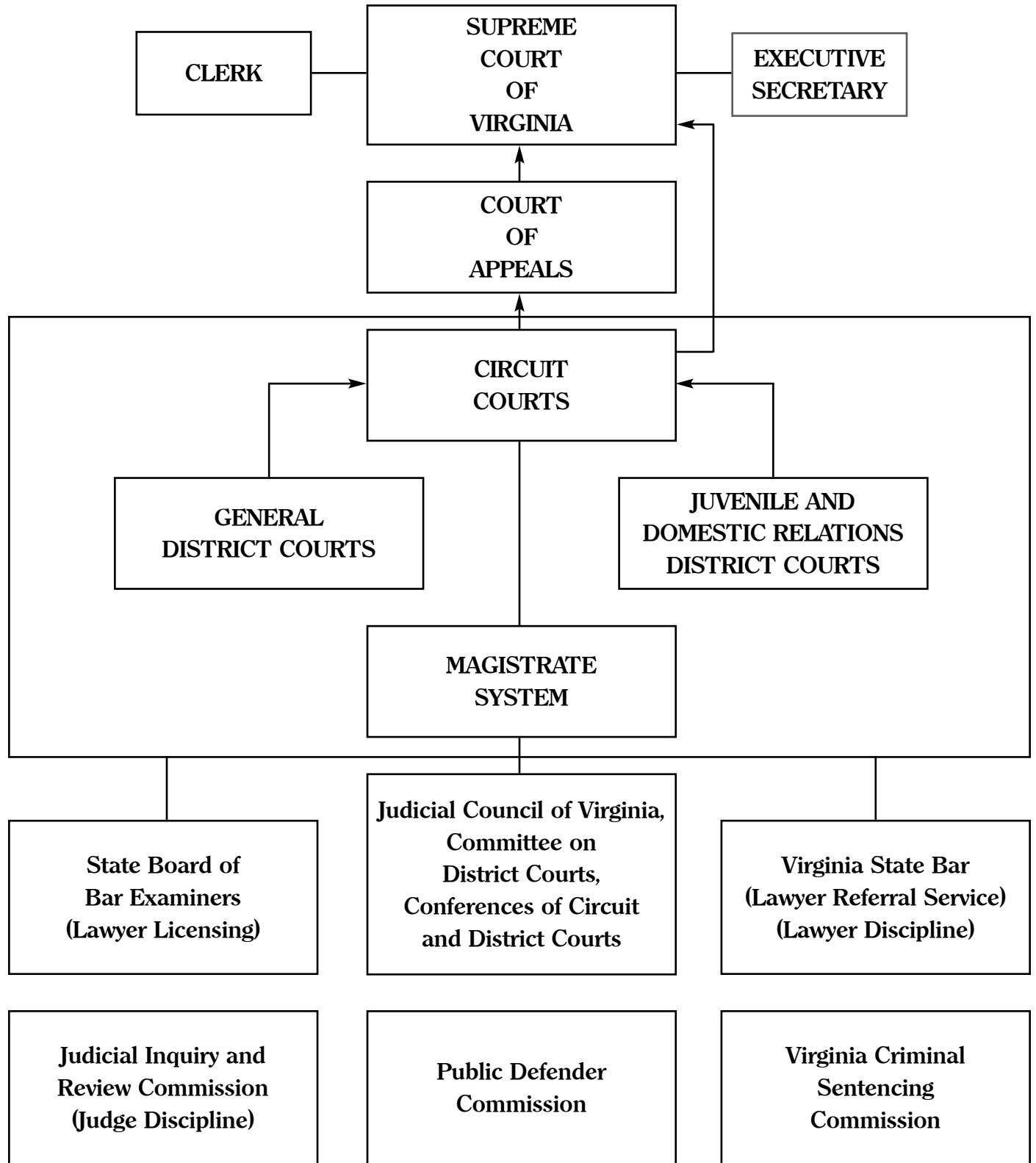
Mr. Thomas J. Michie, Jr., Esquire

Mr. Edward R. Slaughter, Esquire

Mr. J. Hume Taylor, Esquire

Mr. Thomas Cary Gresham

Virginia Judicial Branch



← Route of Appeal



Judicial Council of

Virginia



Proceedings of the Judicial Council

Chapter 1

Proceedings of the Judicial Council of Virginia

INTRODUCTION

The Judicial Council of Virginia was established by statute in 1930 and is charged with the responsibility of making a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the Commonwealth of Virginia. It is responsible for examining the work accomplished and results produced by the judicial system and its individual offices publication of the court system's biennial comprehensive plan.

During 2005, the judiciary continued to make progress under the strategic plan for 2004-2006, *Bringing the Future to Justice: Charting the Course in the New Dominion*. Some of the actions required by the strategic plan are the direct responsibility of the Judicial Council or the Office of the Executive Secretary, while others directly involve local courts. The Judicial Council presents in this report a status report on the Plan's evolution and implementation in order to inform members of the General Assembly, judges and court personnel, the Bar, media, and the public about the judiciary's efforts to better serve the citizens of Virginia.

This report also sets forth the legislative recommendations of the Judicial Council for the 2006 Session of the General Assembly and reviews various other activities of the Council throughout 2005.

LEGISLATIVE PROPOSALS FOR THE 2006 SESSION OF THE GENERAL ASSEMBLY

Request for a New Judgeship in the Third Judicial Circuit

During 2005, the Judicial Council considered a request from one Judicial Circuit for an additional judgeship. After a careful review of this circuit's caseload and judicial workload, as well as interviews with judges and members of the bar in the circuit, the Council recommends an additional judgeship in the Third Judicial Circuit, effective July 1, 2006. A detailed analysis of workload for this circuit can be found in Chapter 3 of this report.

The Judicial Council presents in this report a status report on the [Strategic] Plan's evolution and implementation . . . [and] also sets forth the legislative recommendations of the Judicial Council for the 2006 Session of the General Assembly and reviews various other activities of the Council throughout 2005.

Creation of a Courts Technology Fund

The Judicial Council recommends to the General Assembly new legislation, adding in Chapter 1 of Title 17.1 of the Code of Virginia a section numbered 17.1-132, and related amendments to §§ 16.1-69.48:2, 17.1-275, 17.1-328, 17.1-329, and 17.1-418, that would create a Courts Technology Fund to ensure that the judicial system has adequate resources for the maintenance and upgrading of its critical technology infrastructure.

Technology has become an essential instrument for the courts and magistrates. In the last 20 years – and most especially in the last decade – personal computers and automated information and transaction processing systems have improved the productivity of judges, clerks, and magistrates. Automation of the courts is a significant factor in the court's ability to manage basic operating functions, such as indexing, docketing, accounting, and notice generation. These systems improve service to the public; increase productivity, efficiency, and accuracy; reduce the need for additional staff and courthouse facilities; improve managerial control; and provide information and access to other state and local agencies.

Inadequate resources for maintaining and upgrading the courts' technology infrastructure now compromise existing operations and preclude any significant service improvements. Critical areas for improvements include:

- Application development, to significantly upgrade the existing judicial information systems, including the addition of information sharing and enhanced management reporting;
- Videoconferencing technology, to improve user access to the courts and reduce rising travel-related expenses;
- Replacement of personal computers and associated hardware on a cycle more consistent with current best business practices; and
- Telecommunications, to increase the bandwidth necessary to handle and expand services related to the millions of daily transactions within the courts and to minimize the likelihood and disruptive impact of network outages.

To accomplish these aims, the Judicial Council proposes the establishment of the Courts Technology Fund as a special non-reverting fund to be administered by the Supreme Court of Virginia. This fund will be used to advance, update, maintain, replace, repair, and support the telecommunications and technology systems of the judicial system of Virginia. The proposal would increase non-domestic civil processing costs in the District and Circuit Courts by \$10 and the filing costs of the appellate courts by \$25, generating estimated annual revenues of \$8.8 million.

Social Security Numbers on Divorce Decrees

The Judicial Council recommends amendments to correct conflicts between the statutory requirements of Virginia Code § 20-91(B), that requires

inclusion of social security or DMV numbers on divorce decrees, and § 20-121.03, that prohibits inclusion of such information, except by way of a separate addendum. The latter statute was passed by the General Assembly last year, and the failure to amend the former statute was probably the result of an oversight.

Statements of Economic Interests

In light of recent, heightened concerns about the security of judges, the Judicial Council recommends that the personal information on the statement of economic interests required of judges, particularly the judge's home address and the names of immediate family members, be protected from disclosure. The statement is required by § 2.2-3114 and the form of disclosure by § 2.2-3117. Currently, the disclosure form requires "Home address" and "Names of members of immediate family." These are the two data fields that have prompted the greatest concern. The proposed amendment to § 2.2-3117 would allow the Secretary of the Commonwealth to produce a modified version of the statutory form that would allow substitution of the judge's court address for the home address and omission of provision of information regarding immediate family. The language of the amendment will not absolve any justice or judge from the responsibility of providing financial information as required by the disclosure form or from the requirement to abide by the canons of judicial conduct.

Appointment of Counsel for Indigent Defendants

The judiciary is concerned that some jurisdictions have an insufficient pool of attorneys whom judges may appoint to represent indigent defendants. Chapters 884 and 921 of the 2004 Acts of the Assembly created the Indigent Defense Commission. The Commission establishes professional criteria for court-appointed lawyers and assumed the duties of the former Public Defender Commission. In order for a private attorney to be eligible for appointment to represent an indigent defendant, the attorney must meet certain criteria established by the Indigent Defense Commission. The establishment of the criteria and the qualification for the new court-appointed list were effective July 1, 2005, § 19.2-163.03. In some jurisdictions, relatively few of the defense attorneys have undertaken to be on the list maintained by the Commission, resulting in significant concerns with respect to meeting Constitutional obligations for the provision of counsel. Therefore, the Judicial Council recommends that the General Assembly amend § 19.2-159 to provide that courts have the authority to appoint otherwise-qualified defense counsel who are not on the list of the Commission when certified counsel are not "reasonably available."

The Chief Justice challenged the Commission to make recommendations that will safeguard our cherished judicial system and prepare it to address the opportunities and the challenges that we can foresee for the next ten to twenty years.

Commission on Virginia Courts in the 21st Century

On October 6, 2005, the judiciary's second futures commission, Virginia Courts In The 21st Century: To Benefit All, To Exclude None, began its year-long endeavors. At this inaugural meeting, the Chief Justice challenged the Commission to look at what the citizens of the Commonwealth will need from the judicial system in the year 2016 and beyond. He indicated that the Commission's subtitle "To Benefit All, To Exclude None" should be a guide to the members as they look at what the future may hold and ensure that they remember that the judicial system must continue to provide – and be perceived as providing – justice for all Virginians. The Chief Justice challenged the Commission to make recommendations that will safeguard our cherished judicial system and prepare it to address the opportunities and the challenges that we can foresee for the next ten to twenty years.

The Commission's five task forces will fashion their final recommendations to present to the Commission at its final scheduled meeting on October 6, 2006. The Commission will prepare its final report based on the recommendations it adopts at this meeting. The Commission will then present its final report to the Chief Justice in December of 2006 or January of 2007. Following review and adoption by the Judicial Council and Supreme Court, the recommendations will become the basis for future strategic planning within the Virginia courts. Additional information about the futures commission can be found in Chapter 4.

Family Court Study

The 2004 General Assembly asked the Judicial Council to evaluate and make recommendations on the funding, resources, and statutory changes required to implement a system of family courts in Virginia pursuant to the provisions contained in Chapters 929 and 930 of the Acts of Assembly of 1993. The first phase of this study, undertaken during 2004, involved the updating of the original 1993 legislative enactments taking into account the numerous changes to the Code of Virginia during the intervening years. In addition, all reports identifying the number of judges, clerks' office personnel, and funding that would be required to implement this system of family courts were brought current. This preliminary work was completed and presented to the Council at its December 2004 meeting.

During 2005, the second phase of this study was undertaken. The Chief Justice appointed an advisory committee of judges, clerks, and domestic relations attorneys early in the year to accomplish this task and to make recommendations. This step involved a thorough review of the original proposal as well as consideration of new factors and ideas. The advisory committee submitted its report to the Chief Justice in October. After careful review, the Chief Justice decided not to move forward at this time with the implementation of a system of family courts in Virginia.

Judicial Performance Evaluation Program

During 2005, work began on the statewide implementation of a program for judicial performance evaluation. The program is intended to provide judges with "feedback" concerning their job performance to make them aware of areas in which they could improve the handling of their duties. In addition, the program will provide the General Assembly, which is responsible for electing judges, with objective criteria by which to evaluate judges' job performance when they are being considered for subsequent terms in office. Reports with the evaluation schedules for Virginia's circuit and district court judges were designed in 2005. In addition, work began on the development of requirements for the automation of attorney mailing lists for purposes of distributing evaluation surveys. In October 2005, the Judicial Performance Evaluation Program Director began work in the Office of the Executive Secretary to serve as primary staff to the permanent Judicial Performance Evaluation Commission.

The Commission is chaired by Justice Barbara Keenan and will convene in January 2006 to begin its work. The tasks before the Commission and Program Director in 2006 include the securing of the survey research firm to serve as evaluation contractor for an initial two-year period; working with Clerks of Court to develop procedures for the collection of attorney information; the development and delivery of training for all judges that will be evaluated, as well as for all retired judges that will serve either as observer or facilitator judges; and the actual commencement of the evaluation program for judges who are, based on their terms, scheduled for first-of-term, mid-term, or end-of-term evaluations. Additional information about the Judicial Performance Evaluation Program can be found in Chapter 5.

Drug Treatment Court Program

In adopting the Drug Treatment Court Act (§ 18.2-254.1), the 2004 General Assembly recognized that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. Through the establishment of drug treatment courts, the General Assembly expressed its commitment to enhance public safety by facilitating the creation of drug treatment courts as a means to fulfill these needs. The Supreme Court of Virginia was authorized to provide administrative oversight for the implementation of the Drug Treatment Court Act.

The Supreme Court of Virginia is also responsible for implementing the state Drug Treatment Court Advisory Committee, chaired by the Chief Justice and comprised of members who represent organizations involved with drug treatment court programs. The purposes of the committee include recommending standards and planning, assisting with program evaluation, and encouraging interagency cooperation. The Act also directs the formation of local drug court advisory committees to establish local eligibility and participation criteria, as well as well as operational policies and procedures.

The [JPE] program [will provide Virginia judges] with "feedback" concerning their job performance to make them aware of areas in which they could improve the handling of their duties and will provide the General Assembly . . . with objective criteria by which to evaluate judges' job performance when they are being considered for subsequent terms in office.

The Statewide Drug Treatment Court Advisory Committee held its initial meeting in January 2005. During the year, it adopted standards for adult and juvenile drug treatment court programs and an Application for Permission to Establish a Drug Treatment Court.

The Statewide Drug Treatment Court Advisory Committee held its initial meeting in January 2005. During the year, it adopted standards for adult and juvenile drug treatment court programs and an Application for Permission to Establish a Drug Treatment Court. Three Standing Committees, in addition to the Executive Committee, were established and approved. They are 1) the Operations Committee, formerly the Standards Committee; 2) the Planning and Development Committee; and 3) the Evaluation Committee. In 2006, the Advisory Committee will continue to establish standards for the planning and evaluation of drug treatment court programs and will oversee the enhancement of the current automated system for drug courts. In addition, automated support for family drug court programs will be implemented. The Advisory Committee will also carefully review all applications for the implementation of additional drug treatment court programs.

The Virginia Drug Treatment Court Act directs the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, in consultation with the state drug treatment court Advisory Committee, to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. The Act further directs the OES to provide the General Assembly with a report of these evaluations each year. The report which reviews the findings of the evaluation research conducted during 2004 and 2005 was submitted to the General Assembly in December of 2005. A brief review of its findings can be found in Chapter Six of this report as part of a more detailed update on the status of drug treatment court programs in Virginia.

Revised Judicial Disqualification Policy

In 2005, Chief Justice Hassell presented a new Judicial Disqualification Policy to the Council that became effective immediately. The Chief Justice explained that the policy was discussed with the other Supreme Court Justices and that they had agreed to implement a formal policy that would preclude a sitting judge from being allowed to choose the judge who would hear a case in a situation in which there is a judicial conflict for the sitting judge. A suggestion was made to add language to the draft that addresses situations in which the Chief Judge is the judge being disqualified. It was also suggested that language be incorporated that allows the clerk to reassign a case when there is a last minute judicial conflict.

Report on Capital Case Judicial Institute

In early 2005, the Chief Justice indicated that, because capital cases are so unique and complicated, he believed the judiciary should spend time and effort to ensure that all judges are better prepared to deal with these types of cases. Consequently, the Capital Case Judicial Institute was established to conduct a one-week-long training program every year. The first program was held on June 20-24, 2005. To make the program as one-on-one and interactive as possible, only one judge from each circuit will attend in any given year. On this

schedule, approximately one fourth of the judges in the state will attend the training program each year. The Education Committee of the Judicial Conference of Virginia worked diligently in early 2005 to develop the program. The annual training will be videotaped so that the Office of the Executive Secretary can make it available to other judges as a distance education program.

Report on Chief Justice's Initiative for Training Counsel Representing Indigent Defendants

The Chief Justice announced in 2005 that the Supreme Court of Virginia and the Virginia State Bar would jointly sponsor a seminar designed to improve the representation of indigent criminal defendants in the Commonwealth of Virginia. Two recurring concerns in such representation have been compensation and training. Public Defenders and court-appointed attorneys do not have access to the same comprehensive program of training as Commonwealth's Attorneys.

The seminar is designed to be an annual event, free to all lawyers. They receive six MCLE credits for attendance. The first seminar was held on May 20, 2005, at the Richmond Convention Center and was broadcast simultaneously in Abingdon. The program was also open to members of the Virginia judiciary and other members of the criminal bar in Virginia on a space available basis.

Judge Walter S. Felton, Jr., was this year's Program Chair. The first seminar was well-attended, with capacity crowds at both locations.

Policy Statements Regarding the Continuing Judicial Education of Retired Judges Subject to Recall and Substitute Judges

In 2004, the Judicial Council adopted policies for the continuing judicial education of retired judges who are subject to recall and substitute judges to help them remain informed on the current status of the law. The policies set forth minimum continuing education requirements and became effective January 1, 2005. In 2005, the Council clarified the requirements under the new policy to include that each substitute judge, at least once in every two year period, shall certify in writing that they have watched at least 12 hours of the judicial continuing education programs and that requests be made to the Virginia State Bar for MCLE credit for the programs offered.

Study of Mental Health Laws and The Involuntary Mental Commitment Process

Identifying and addressing mental health issues in the justice community have become significant concerns nationwide, including in Virginia. In response to these concerns, the Chief Justice has organized an initiative titled "Reforming The Involuntary Commitment Process: A Multidisciplinary Effort." This work began with a major conference in Richmond on December 9, 2005, to focus attention on issues related to mental health by obtaining input from

Identifying and addressing mental health issues in the justice community have become significant concerns nationwide, including in Virginia. In response to these concerns, the Chief Justice has organized an initiative titled "Reforming The Involuntary Commitment Process: A Multidisciplinary Effort."

In mid-2005, the Chief Justice appointed the Advisory Committee to Study Guardians Ad Litem[.] The charge to the Committee is to consider what policy, if any, is needed beyond the current qualification and performance standards now in place for guardians ad litem for children and the qualification standards and statutory guidance provided for guardians ad litem for incapacitated adults.

sheriffs, judges, special justices, lawyers, and mental health practitioners about how best to reform the involuntary commitment process. The work of the conference will continue as the Chief Justice appoints a multidisciplinary task force that will meet during 2006 and 2007, charged with the task of developing substantive recommendations for improving the service of the courts to those with mental health-related issues. These recommendations will then be considered by the Judicial Council and will be incorporated in the judiciary's comprehensive planning process for implementation. The final report of the Task Force will, therefore, be the basis for initiating a renewed judicial and community mental health focus in the Commonwealth.

Committee to Prepare Rules of Court Defining Public Access to Court Records

In 2005, the Chief Justice appointed a committee, consisting of judges, lawyers, clerks of court, Commonwealth's Attorneys, law enforcement representatives, members of the business community and citizens, to prepare proposed rules of Court addressing public access to court records. The charge of the Committee is to formulate a rule, to be presented to the Supreme Court of Virginia, that preserves the right of the public to review and access court records while protecting the confidential and sensitive material often found in court documents. The Committee will balance the interests of the public and press to free access against the interests of individuals who interact with the courts.

The Committee, chaired by Judge Leslie M. Alden, held its first meeting on November 17, 2005. A sub-committee was appointed to draft the proposed rule, and the full committee is scheduled to meet again in early 2006.

Committee to Study Guardians Ad Litem

In mid-2005, the Chief Justice appointed the Advisory Committee to Study Guardians Ad Litem, comprised of members of the judiciary from the circuit court bench and juvenile and domestic relations district court bench as well as lawyers who serve as guardians ad litem for children and incapacitated adults. Staff from the Bar Counsel's Office of the Virginia State Bar has also joined the Committee to assist in its deliberations. The charge to the Committee is to consider what policy, if any, is needed beyond the current qualification and performance standards now in place for guardians ad litem for children and the qualification standards and statutory guidance provided for guardians ad litem for incapacitated adults. The Hon. Michael McWeeny, Chief Judge of the Fairfax Circuit Court, chairs the Committee. The Committee will continue its work in 2006 and make recommendations to the Chief Justice and the Judicial Council.

Simplifying Civil Procedure: Creating a Unified Civil Procedure

In 2004, the Judicial Council of Virginia recommended to the General Assembly minor amendments to several statutes that would allow both legal

and equitable claims to be filed in a single lawsuit, to be known as a civil action. The General Assembly's passage of SB 1118 in 2005 mandated a single form of action for civil cases, effective January 1, 2006. This legislation made appropriate the promulgation of Rules of Court necessary to accommodate this change.

The Judicial Council published its final draft of the proposed new rules in Chapter 4 of its 2004 report. To avoid confusion at the time, these new rules were referred to as "Part Nine." The action recommended by the Judicial Council and adopted by the Supreme Court of Virginia in 2005, effective January 1, 2006, was to repeal the current Parts Two (Equity Practice and Procedure) and Three (Practice and Procedure in Actions at Law), reserving Part Two for future use and replacing Part Three with the new rules.

The Office of the Executive Secretary of the Supreme Court worked throughout 2005 to implement the changes in the courts' automated systems and processes necessary for the creation of a unified civil procedure. These changes were completed and went into effect on January 1, 2006.

The Honorable Harry L. Carrico Outstanding Career Service Award

In honor of the retired Chief Justice of Virginia, the Honorable Harry L. Carrico, the Judicial Council of Virginia, in 2004, created an Outstanding Career Service Award. This award will be presented annually to one who, over an extended career, has demonstrated exceptional leadership in the administration of the courts while exhibiting the traits of integrity, courtesy, impartiality, wisdom, and humility.

The 2005 recipient of this award was the Honorable William H. Ledbetter, Jr, Judge of the Fifteenth Judicial Circuit. Judge Ledbetter retired in 2005 after 18 years on the Circuit Court bench, preceded by 13 years during which he was a substitute judge in the District Courts. Judge Ledbetter was honored for his demeanor, profound knowledge of the law, and exceptional fairness to all parties in each case heard by him. Additionally, in spite of his vast knowledge of the law, Judge Ledbetter, in the opinion of his peers, always demonstrated patience, courtesy, and humility as a trial judge-never being impatient or short with trial counsel or the public.

The 2005 recipient of [the Honorable Harry L. Carrico Outstanding Career Service Award] award was the Honorable William H. Ledbetter, Jr, Judge of the Fifteenth Judicial Circuit. Judge Ledbetter retired in 2005 after 18 years on the Circuit Court bench, preceded by 13 years during which he was a substitute judge in the District Courts.



Chapter 2

Bringing the Future to Justice: Status Report on the Implementation of the Judiciary's 2004-2006 Strategic Plan

INTRODUCTION

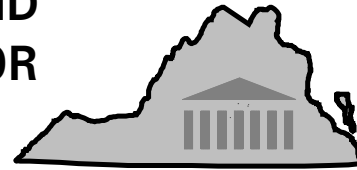
Maintaining the courts as a core function of our democratic form of government is critically important. In addition to the provision of basic functions of the justice system, the courts must also provide for special circumstances and anticipated needs, such as security and continuity of court services and personnel in times of natural and man-made disaster. To ensure that the court system handles these responsibilities effectively, the courts maintain an ongoing, comprehensive planning process that identifies the preferred course for meeting responsibilities and monitors progress toward identified ends.

In December, 2003, the Judicial Council adopted the 2004-06 strategic plan for Virginia's judicial system, "Bringing the Future to Justice." The plan also was reviewed and approved by the Supreme Court of Virginia. It contained 143 action items designed to enhance the quality of justice and the effectiveness of the court system. The Plan is not a static document. While the courts will operate under the Plan through June 30, 2007, implementation and modification of the Plan's objectives and Tasks continues within the comprehensive planning process in consultation with the Chief Justice of the Supreme Court of Virginia. This chapter details the current Tasks of the 2004-06 Strategic Plan as of December 2005.

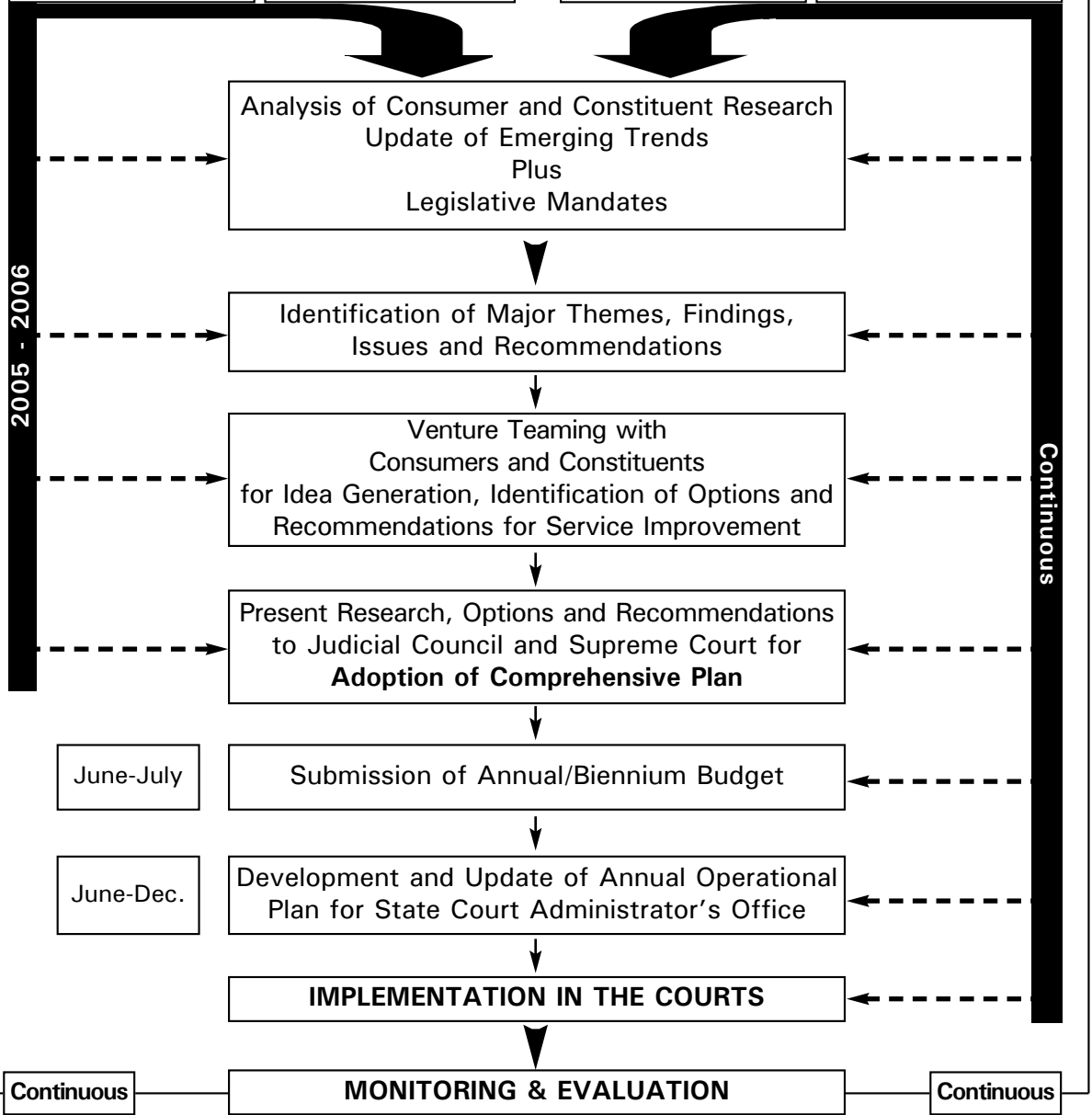
The current Plan is the latest in a series of strategic plans that have evolved within the comprehensive planning process from recommendations that the Judicial Council adopted after the court system's first futures commission, "Courts in Transition." Like the recommendations of that 1980s commission, those that will eventually be submitted by the new futures commission, "Virginia Courts in the 21st Century: To Benefit All, To Exclude None," will become the basis for future strategic planning activity. The current commission is scheduled to complete its operations in October 2006, after which the Judicial Council and the Supreme Court of Virginia will act on the commission's recommendations. The recommendations that they adopt will be used to prepare a new 2007-08 Comprehensive Plan that will operate for the two fiscal years beginning July 1, 2007. More information about the new futures commission can be found in Chapter 4.

The [Judiciary's Strategic] Plan is not a static document. While the courts will operate under the Plan through June 30, 2007, implementation and modification of the Plan's objectives and Tasks continues within the comprehensive planning process in consultation with the Chief Justice of the Supreme Court of Virginia.

THE COMPREHENSIVE STRATEGIC AND OPERATIONAL PLANNING SYSTEM FOR VIRGINIA COURTS (2005-2008)



Virginia Courts in the 21st Century - Mission - Vision - Values - Strategies	Futures Research - Environmental Scanning - Emerging Trends - Trend Analysis - <i>FutureView</i>	Consumer Research - Citizens - Consumers - Stakeholders	Constituent Participation - Justices - Judges - Clerks of Court - Magistrates - Bar
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Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Vision 9

The impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

The Judiciary's Mission

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.

Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Objective 1.1

To utilize technology to improve citizens' access to court information and records consistent with legitimate expectations for privacy.

Task 1

Rollout the new records indexing Windows front end and new scanning software to the remaining courts.

Underway

Task 2

Develop training materials for J&DR clerks regarding the confidentiality of records in the juvenile courts.

Underway

Task 3

Redesign and expand the court system's Internet website in order to provide additional features, links, and search capabilities so that citizens may become better informed about court procedures and the availability of resources for legal representation.

Underway

Task 4

Conduct research sufficient to prepare a comprehensive set of Rules of Court which define public access to court records.

Underway

Task 5

Implement Internet access to appropriate trial court data to enable citizens to access specific case data from each circuit and general district court.

Completed

Task 6

Implement Internet access to the circuit court records indexing system in accordance with the standards set forth by the 2003 General Assembly.

Completed

Objective 1.2

To expand use of the Internet for conducting business with the courts.

Task 1

Automate court-use forms in Visual Basic format.

Completed

Task 2

Implement the electronic pre-payment system for fines and costs in all remaining general district and combined district courts.

Completed

Task 3

Expand on-line submission by the courts of administrative forms to provide greater convenience to the courts and the OES and to integrate these data submissions directly into existing databases. Expand the ability of the courts to electronically submit forms to the OES.

Underway

Task 4

Develop requirements for implementation of electronic case-filing in the circuit courts, including integration with the Courts Automated Information System.

Completed

Objective 1.3

To enable the courts to more effectively respond to the growing number of non-English speakers in Virginia's courts.

Task 1

Expand the voluntary certification process for foreign language interpreters serving Virginia courts to include languages in addition to Spanish.

Task 2

Seek funding to create a foreign interpreter coordinator position to administer the training and certification programs for foreign language interpreters serving the courts.

Task 3

Establish a Court Interpreter Advisory Committee to make recommendations to the Judicial Council regarding the quality and evaluation of interpreter services.

Underway

Task 4

Work with Virginia colleges and universities to explore the feasibility of developing low-cost advanced skills workshops for foreign language interpreters serving the courts.

Underway

Task 5

Create an on-going educational curriculum for judges and court personnel to assure the proper and effective use of foreign language interpreters, including the use of telephone interpreting services.

Underway

Objective 1.4

To eliminate economic barriers to legal representation.

Task 1

Design and implement a statewide program to provide pro bono legal services to litigants involved in child custody and visitation disputes who cannot afford representation.

Underway

Task 2

Seek continued DSS funding to support activities promoting access and visitation of non-custodial parents.

Underway

Task 3

Support efforts of the Legal Services Corporation of Virginia to enhance funding of legal aid offices as the primary means of expanding access to legal representation.

Ongoing

Task 4

Work with the Virginia State Bar's Access to Legal Services Committee in its study of discrete Task representation to determine additional potential avenues for access to low cost legal services.

Underway

Task 5

Provide assistance to the Family Law Coalition's study of the current limitations on fee arrangements for attorneys in domestic relations cases and consider their proposals to reduce or contain the costs of legal representation in these cases.

Objective 1.5

To improve the court system's response to the challenges and needs presented by self-represented litigants.

Task 1

Develop and implement an ongoing educational curriculum for judges on methods of managing cases involving self-represented litigants.

Task 2

Develop principles, guidelines, protocols, and training curricula for all clerks' office personnel and magistrates to clarify the types of information and assistance that may be provided to self-represented litigants.

Underway

Task 3

Expand the number of dispute resolution coordinators in the trial courts in order to screen appropriate cases for mediation and to provide effective management of such cases.

Ongoing

Task 4

Develop and implement an *ongoing* process within the circuit and district court forms committees to, where appropriate, prepare plain language versions of court forms.

Ongoing

Objective 1.6

To facilitate the courts' resolution of disputes in a timely and efficient manner.

Task 1

Implement time-segmented dockets statewide in the district courts in order to assure that no litigants must wait more than one hour for their cases to be called and to enhance the dignity of all court proceedings.

Underway

Task 2

Implement a next-date scheduling system in the circuit courts through purchase and installation of an automated case scheduling system.

Underway

Task 3

Develop performance indicators for the processing of cases in each case type and provide judges and clerks of court relevant statistical reports and other performance data necessary for accurate monitoring of caseload management.

Underway

Task 4

Develop automated, standardized order forms so that district court judges may complete and print copies of their decisions and orders for parties in the courtroom.

Underway

Task 5

Develop and implement the capability to print dockets on demand in the general district and juvenile and domestic relations district courts to provide for more efficient management in the courtroom.

Completed

Task 6

Develop a capability within the Courts Automated Information System to enable judges to be informed of all pending cases involving members of the same family or household.

Objective 1.7

To improve the quality of the court system's handling of juvenile and family law matters.

Task 1

Prepare recommendations for the courts' implementation of requirements for the early appointment of counsel for juveniles in detention.

Completed

Task 2

Develop and implement standards for Batterer Intervention Programs.

Underway

Task 3

Evaluate and make recommendations to the chief justice and Supreme Court of Virginia on the structure, funding, resources, and statutory changes necessary to implement a system of family courts in Virginia.

Completed

Task 4

Prepare informational resources in electronic formats and multiple languages to assist parents in understanding the court process applicable to the filing and resolution of custody, visitation and support petitions.

Task 5

Participate in the activities of the Virginia Partnership Grant to Encourage Arrest and Enforcement of Protection Orders (GEAP). Design, develop, and implement a new capability for tracking and coordinating enforcement of protective orders within and across jurisdictions.

Underway

Task 6

Employ a consultant to develop the requirements document for an executive management information system for each case management system.

Task 7

Undertake, in conjunction with the Department of Child Support Enforcement representatives, trial court judges, attorneys and citizens, a project to identify and implement best practices in child support cases, addressing: (1) the quality of materials and support available to self-represented litigants in child support and other cases, (2) case and calendar management in the J&DR courts for child support and non-child support cases, and (3) the accuracy and timely communication of judicial paternity orders and other child support-related business among partner agencies (e.g., the courts, the Departments of Vital Records and Child Support Enforcement).

Underway

Task 8

Represent the court system in the Safe Families in Recovery Project focused upon serving child welfare families before the courts in need of services related to substance use disorders.

Underway

Objective 1.8

To improve court practice in child abuse, neglect and foster care cases in order to expeditiously restore children to safe and permanent homes and measure the success of these efforts.

Task 1

Complete the delivery of local interdisciplinary training on child dependency litigation in every judicial district of the Commonwealth.

Underway

Task 2

Support the Best Practice Courts program for juvenile and domestic relations district courts to promote the uniform application of law and best practices in child dependency cases.

Underway

Task 3

Provide training for lawyers and juvenile and domestic relations district court and circuit judges on the Standards Governing the Performance of Guardians Ad Litem for Children.

Completed

Task 4

Complete a study of the processing of child dependency appeals in the circuit court. Determine the extent and impact of the delay on permanency for children. Establish and support best practices for this appellate process.

Underway

Task 5

Represent the court system in the implementation of the Child & Family Services Review - Program Improvement Plan for Virginia to address perceived deficiencies in the court system's handling of child dependency cases.

Underway

Task 6

Identify and eliminate barriers to the timely adoption of children in foster care due to court procedures or practices.

Underway

Task 7

Develop, in cooperation with the Virginia Departments of Social Services and of Mental Health, Mental Retardation and Substance Abuse Services improved protocols and enhanced resources for local courts when serving substance-addicted parents in child dependency cases.

Task 8

Evaluate the effectiveness of family treatment drug courts in reuniting the dependent children with substance-addicted parents.

Task 9

Implement a management information system to track child abuse, neglect, and foster care cases, including a related-case cross-referencing capability.

Underway

Task 10

Develop an interface with the On-Line Automated Services Information System (OASIS) administered by the Virginia Department of Social Services.

Underway

Objective 1.9

Enhance the security of courthouses both for the general public and all personnel who work within them.

Task 1

Establish a committee to study the security needs within courthouses and to issue minimum security standards for all courthouses. Offer technical assistance to conduct needs assessments.

Underway

Task 2

Develop and offer training and technical assistance to chief judges and clerks in the trial courts to assist them in establishing protocols for emergency preparedness.

Underway

Task 3

Seek legislation to ensure that procedures are in place for the Supreme Court of Virginia to convene in the event of a catastrophic incident.

Underway

Task 4

A. Obtain and implement an uninterrupted power supply (UPS) for the judicial systems' statewide central computer system to prevent disruptions in court operations (focus on power source for the computer room and install power grid switch for SCV building).

B. Select a contingency management plan to replace computer room replacement site.

Underway (all)

Task 5

Establish a "Hot Site" for disaster recovery of the judicial systems' statewide central computer system to ensure business continuity of court system computer operations.

Task 6

Develop and deliver a training program for judges on the potential impact and implications of federal and state anti-terrorism legislation.

Objective 2.1

To ensure that courts merit the respect of society in the handling of criminal cases.

Task 1

Implement the automated entry of protective orders via the electronic interface between the Courts Automated Information System and the Virginia State Police.

Completed

Task 2

Determine ways to expedite hearings on protective order violations.

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Task 3

Establish scheduling procedures that facilitate optimal participation by Commonwealth's Attorney in domestic violence cases.

Task 4

Implement and expand the protective order component of the automated Interactive Community Assistance Network (I-CAN!) system:

- Conduct and evaluate a pilot program.

Completed

Seek continuation funding.

Ongoing

- Develop the implementation strategy for expansion of the program.

Completed

- Rollout the I-CAN protective order module in additional J&DR District Courts as requested.

Ongoing

Task 5

Develop and distribute an interactive CD-ROM training module for magistrates on the effective handling of family abuse cases, with emphasis both on the legal requirements and respectful treatment of all parties involved.

Completed

Task 6

Enhance the training program for magistrates.

Develop a distance education magistrate's orientation and basic training course.

Underway

Develop a distance education and practical application component of the magistrate certification program.

Underway

Submit a budget request to fund the magistrate training recommendations from the 2003 Magistrate Study.

Objective 2.2

To improve the quality of indigent defense representation in Virginia.

Task 1

Support efforts to increase the compensation paid to court-appointed counsel in criminal cases.

Ongoing

Task 2

Support the development and implementation of statewide training and qualification standards for court-appointed counsel.

Ongoing

Task 3

Develop guidelines and provide training for judges in the assessment of applications for experts and investigators for indigent defense to help ensure fairness in the adjudication of serious criminal cases.

Objective 2.3

To assist the trial courts, as well as state and local criminal justice agencies, in the development, implementation and evaluation of problem-solving courts.

Task 1

Assume the administrative oversight of Drug Courts pursuant to Virginia Code § 18.2-254.1.

Completed

Task 2

Conduct a comprehensive evaluation (impact, qualitative, process, and cost-benefit analysis) of drug treatment court programs in Virginia and associated recidivism rates.

Completed

Task 3

Recommend operating standards for DUI Drug Treatment Courts and appropriate amendments to the Drug Treatment Court Act to bring the administration of DUI Drug Treatment Court programs under the Act.

Ongoing

Task 4

Evaluate the concepts of therapeutic justice and problem-solving courts to determine ways in which the integration of those concepts may improve the processing and disposition of criminal cases.

Objective 2.4

To strengthen the jury system by improving the selection process and the jury's method of operation.

Task 1

Evaluate Cardobe's jury management system for implementation in smaller circuit courts.

Completed

Task 2

Evaluate the need for and cost effectiveness of a jury management system for circuit courts with small numbers of jury trials.

Completed

Task 3

Provide technical assistance to circuit courts in the implementation of the Judicial Council's Jury Management Standards.

Objective 3.1

To establish a comprehensive range of dispute resolution services in Virginia's circuits and districts.

Task 1

Design an online mediator recertification process.

Underway

Task 2

Develop and implement a judicial settlement conference pilot program.

Underway

Task 3

Provide continuing legal education programs for the Bar and judiciary, and on-site technical assistance to individual courts for the development and integration of ADR options into the litigation process and court procedures.

Underway

Task 4

Evaluate the need for revisions to existing Guidelines for the Certification of Court Referred Mediators to enhance the competency of mediators and the quality of services provided. Revise the guidelines for certification of court-referred mediators to provide qualifications for specialized areas of mediation.

Underway

Task 5

Develop a model truancy mediation curriculum to train mediators throughout the state in support of the expanded use of truancy mediations by schools and judges.

Completed

Task 6

Determine the means to provide greater access to mediation services for the Commonwealth's non-English speakers.

Completed

Task 7

Work with all Virginia law schools to expand ADR course offerings, develop mediation clinics and advise law students of their ethical obligation to consider ADR in all cases.

Objective 3.2

To provide greater access to a broader range of dispute resolution options in family matters.

Task 1

Conduct a study of recidivism rates of custody/visitation cases mediated versus those adjudicated in the JDR courts.

Completed

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices that foster the efficient use of public resources and enhance the effective delivery of court services.

Task 2

Evaluate the effectiveness and accessibility of mediation in custody/visitation cases for low-income families.

Completed

Objective 4.1

To structure the judicial system in a manner that best enables the prompt, fair and cost-effective resolution of disputes.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 1

Implement the single form of action for claims at law and in equity.

Completed

Task 2

Amend necessary court forms and Rules of Court to clarify procedures for accepting guilty pleas for misdemeanors in district courts.

Completed

Objective 5.1

To enhance the administration of the courts by clarifying and reinforcing lines of authority and responsibility.

Task 1

Conduct a study on the effect of eliminating or limiting the use of Commissioners in Chancery on court caseloads.

Completed

Task 2

Support legislation to remove from the judicial branch responsibility for certifying bail bondsmen.

Completed

Task 3

Conduct a study on involuntary mental commitment procedures in order to (1) clarify the roles of general district court judges and special justices, (2) review issues involving transportation for patients and the locations of hearings, and (3) assure that the process is handled in an efficient and humane manner.

Underway

Objective 5.2

To obtain full state funding of the court system.

Task 1

Secure state funding to provide law clerks and secretaries for circuit court judges.

Task 2

Secure on-going funding to modernize and maintain the judicial system's technology infrastructure and service delivery systems.

Underway

Task 3

Implement an infrastructure modernization:

- Install 800-1000 new Pentium PCs to replace older models.
- Rollout the active directory and Windows server 2003 to OES and start conversion of court servers.
- Replace 500 old cash registers with Windows PCRs.
- Rollout new Windows PCR with laser printer capability in 20-40 courts.

Ongoing (all)

Objective 5.3

To improve the accuracy, quality and integrity of caseload data submitted by the trial courts.

Task 1

Establish an effort to revise and update procedures for uniform data collection from the trial courts and recommend ways to improve the integrity of the process.

Task 2

Procure and implement new decision maker software to assist with ad hoc reporting and data analysis capabilities.

Underway

Objective 6.1

To ensure that the judicial system attracts and retains the most qualified persons for service on the bench.

Task 1

Update the Personnel manual to include a review of policy issues.

Completed

Task 2

Secure increases in salaries for judges and justices in order to maintain compensation levels that are attractive enough to encourage qualified individuals to choose a judicial career.

Ongoing

Task 3

Conduct a pilot judicial performance evaluation program and report the results to the Supreme Court of Virginia and the General Assembly.

Completed

Task 4

Implement a statewide judicial performance evaluation program.

Underway

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Objective 6.2

To provide education delivery options which will ensure expanded and career-long training opportunities for all persons in the judicial system's workforce.

Task 1

Develop the Circuit Court Clerks Basic course on CD-Rom.

Underway

Task 2

Develop the J&DR Clerks Basic course on CD-Rom.

Underway

Task 3

Explore the possibility of district court clerks' participation in a national certification program.

Underway

Task 4

Provide training opportunities for judges, clerks and magistrates in the use of on-line learning resources and courses.

Ongoing

Task 5

Install a distance learning infrastructure system so that judges and court personnel can be trained at regional hubs or local sites throughout the state.

Underway

Task 6

Integrate the long-term training curriculum for Virginia's judicial system with the distance education plan.

Underway

Task 7

Develop and implement educational programs to be delivered via satellite technology.

Task 8

Develop a specialized Judicial Institute on the trial and management of capital cases to be delivered on an annual basis.

Completed

Task 9

Develop an on-line educational resource center/website with web-casting capability to serve as a portal for judges and court system personnel to access a myriad of web-based education and training programs.

Underway

Task 10

Pilot a speaker/presenter-monitored web-board online discussion forum.

Underway

Task 11

Develop, in conjunction with Virginia law schools, a series of judicial education programs to be delivered via distance learning technology.

Underway

Objective 6.3

To develop advanced and specialized training opportunities for all judges, clerks and magistrates.

Task 1

Develop a deputy clerk/magistrate new hire orientation program.

Underway

Task 2

Increase the options for providing technical assistance services to the courts to include on-site support for strategic planning efforts, caseload management projects and building collaborative relations within and between the trial courts and the magistrate offices.

Underway

Task 3

Expand the delivery of training programs for retired and substitute judges, with particular emphasis on substitute judges serving in the juvenile and domestic relations district courts.

Underway

Task 4

Develop and deliver specialized management training programs for chief judges.

Objective 6.4

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment to attract and retain a highly-qualified, diverse and skilled workforce.

Task 1

Address the personnel shortages that exist in the district court and magistrate systems by seeking funding for additional positions and salary increases that will enable the judicial system to successfully attract and retain highly qualified clerks and magistrates.

Ongoing

Task 2

Assess, on a continuing basis, the competitiveness of salaries and benefits of court system employees with those provided for equivalent positions in the executive branch and private sector, and advance appropriate recommendations to eliminate any identified disparities.

Ongoing

Task 3

Establish an Equal Opportunity Employment Committee for the judicial system to develop and implement specific actions such as creating internships,

conducting recruitment visits, and expanding placement sources in order to increase the diversity of the judicial system's workforce.

Task 4

Explore means used in the private sector and in state and local executive branch agencies to enhance communications with judicial branch personnel and to recognize outstanding achievement and public service provided by judges and court system personnel. Develop cost-effective alternatives pursuant to this end.

Underway

Objective 6.5

To provide ready access to magistrate services and increase the proficiency, expertise, and oversight of magistrates throughout the state.

Task 1

Increase access to magistrates throughout the state by eliminating on-call services and creating: (1) hub offices in designated localities to provide full-time in-person services and 24-hour video conferencing capabilities to each locality within a district; and (2) offices in other localities to provide in-person services on a specified schedule.

Task 2

Improve the quality of decision-making and service delivery provided by all magistrates through the development and implementation of a nine-week comprehensive training and certification program.

Underway

Task 3

Strengthen the management and accountability of each magistrate's office by expanding the management component of the annual continuing legal education curriculum for chief magistrates.

Underway

Task 1

Convert the remaining 150+ courts and magistrates' offices to Lotus Notes.

Completed

Task 2

Define requirements and identify alternatives for developing links between Fiscal Department, FMS and CAIS systems.

Task 3

Convert Fairfax County General District civil data from local system to CAIS.

Completed

Task 4

Procure and implement new Inventory management system.

Objective 7.1

To maximize the use of technology within the judicial system to enhance the quality of justice rendered by courts.

Task 1

Provide regular assessments of new technologies and their applicability in the court environment to all judges and court system personnel.

Ongoing

Task 2

Prepare and release an RFP for an imaging and documents management systems for circuit courts to improve the handling of and legitimate access to court documents.

Task 3

Develop online court budget expenditure reports.

Underway

Task 4

Achieve migration to a modern relational database and fourth generation computer programming languages in order to expand the capabilities of the Courts Automated Information System (migrate Circuit CMS to 4GL - Websphere Application Studio Developer).

Underway

Task 5

Finish the J&DR DB2 database rollout.

Completed

Task 6

Finish Circuit (Active) Case Management System DB2 database.

Underway

Task 7

Model and convert General District Case Management system to DB2.

Underway

Task 8

Upgrade and enhance Supreme Court's Case Management System (SCOLAR) and convert to DB2.

Underway

Task 9

Upgrade and enhance Court of Appeals Case Management System (STARS) and convert to DB2.

Underway

Task 10

Assess the feasibility and implications of courtroom evidence presentation technologies and provide technical assistance to the courts on their use.

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Task 11

Modernize and web-enable the automated catalogues in the Virginia Law Library.

Completed

Task 12

Seek funding to upgrade and maintain the judicial system's telecommunications network to support existing and projected communications needs.

Underway

Objective 7.2

To expand collaborative relationships between the courts, state and local governments, and the private sector to facilitate greater ease in the electronic exchange of information and in the conduct of judicial proceedings.

Task 1

Implement Phase I of the Charge Standardization Project and implement the utilization of Virginia Crime Codes with standard charge descriptions.

Completed

Task 2

Participate in the development of an Integrated Criminal Justice Information System (CSP) by implementing an Offense Tracking Number (OTN) and an OTN database in selected magistrate's offices and pilot courts.

Underway

Task 3

Redesign the Automated Magistrate Information System (AMS) to serve as a primary gateway to exchange data in standardized formats with criminal justice agencies.

Underway

Task 4

Seek funding for Phase II of the Charge Standardization Project to permit integrated data exchange with additional criminal justice agencies throughout the state.

Underway

Task 5

Provide magistrates direct connectivity to the Virginia Criminal Information Network administered by the State Police, where requested.

Task 6

Pilot the magistrate transfer of warrant information to "State Police wanted files".

Task 7

Implement the automated interface between the Central Criminal Records Exchange and juvenile division of the juvenile and domestic relations courts.

Task 8

Establish the capability to send magistrate system and court case management system data electronically to Public Defender Office to reduce duplicate data entry and report changes in hearing dates.

Objective 7.3

To provide comprehensive training and support to judicial system personnel in the use of technology and automated systems.

Task 1

Establish an on-going, broad-based technology training program for judges and court system personnel to provide a continuum of initial and refresher training based on assessed needs.

Underway

Objective 7.4

To facilitate the use of technology and automated systems by judges and judicial system personnel.

Task 1

Define the components of a comprehensive technology training program and to identify methods of delivery of those components.

Underway

Task 2

Develop a CD-ROM training program for CMS.

Underway

Task 3

Develop a CD-ROM training program for FMS.

Underway

Task 4

Expand the use of video conferencing to facilitate activities of the Supreme Court of Virginia.

Underway

Task 5

Seek funding to expand the use of videoconferencing in trial courts and magistrates' offices to expedite proceedings.

Underway

Objective 8.1

To improve service quality by increasing the courts' awareness of and responsiveness to the needs of the citizens they serve.

Task 1

Create a public information and outreach office to carry out a variety of activities including (1) handling media relations on behalf of the courts; (2) expanding public information and education materials for posting on the court system's website; and (3) developing templates for speeches and presentation materials that clarify the role and responsibilities of the judicial branch of gov-

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

ernment for use by judges, clerks and chief magistrates.

Underway

Task 2

Establish a Court/Community Outreach Committee for the purpose of identifying barriers, real or perceived, that exist between the court system and the public it serves.

Task 3

Develop and offer training to judges and court personnel to increase their understanding of cultural differences and their significance in the context of the legal system and the courts.

Task 4

Develop the use of videotapes in court waiting areas as a means of better informing litigants on court procedures and processes.

Task 5

Participate with the legislative and executive branches in commemorating the 50th anniversary of the Brown vs. Board of Education decision by the Supreme Court of the United States.

Completed

Objective 8.2

To ensure that participants in the judicial process are not discriminated against because of race, gender, age, disability or socioeconomic status.

Task 1

Participate in the study directed by the 2002 General Assembly to explore the benefits of a model court order that addresses the mental illness treatment needs of offenders.

Completed

Cross-train judges and magistrates on treatment services and security for these mentally ill offenders.

Underway

Task 2

Conduct periodic reassessments of the effectiveness of individual courts' of the Americans with Disabilities Act (ADA) and where necessary work with the courts to develop plans for corrective action.

Task 3

Develop and incorporate an ADA audit into technical assistance visits to courts and magistrates offices.

Task 4

Develop a brochure containing information on the types of accommodations available in the courts for individuals with disabilities and how to request them.

Objective 8.3

To assist the public and other constituencies in understanding the judicial system and its role in a democratic society, the courts will support programs that foster civic awareness.

Task 1

Develop an integrated, interactive Web-based curriculum and resource materials for students and teachers in grades K-12 to support and expand the teaching of court-related elements (e.g., the role and functioning of courts in American society) of the Standards of Learning (SOLs).

Underway

Objective 9.1

To expand the strategic planning capabilities of the judicial system.

Task 1

Establish and conduct the Commission (Virginia Courts in the 21st Century) to study the anticipated demands on the court system and to set forth a plan to meet these requirements.

Underway

Task 2

Hold statewide Solutions Conference to assist in the development of the judiciary's strategic plans as a means for obtaining citizen input.

Completed

Task 3

Assist local courts in developing and conducting strategic planning efforts to enhance their delivery of services to the public.

Underway

Objective 10.1

To promote the independence and accountability of the judicial branch.

Task 1

Develop and conduct, in cooperation with legislative members of the Judicial Council and the Committee on District Courts, an orientation program for newly-elected legislators to review the distinctive role of the judicial branch, the dimensions of judicial independence and accountability, and the parameters for legislator-judge communications.

Task 2

Expand the judiciary's website as a method of providing additional information to judges, clerks and magistrates about issues arising during legislative sessions that affect the judicial branch and court operations.

Underway

Task 3

Facilitate legislative access to information about the process, policies, and priorities of the judicial branch by developing and implementing additional communication strategies, such as legislative "ride along" programs and a legislator's guide to the courts.

Vision 9

The impact of changing socioeconomic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

Objective 10.2

To effectuate better understanding and communications among the three branches of state government.

Task 1

Create opportunities for regular meetings among representatives of all three branches of government to promote improved communication on such issues as court funding, salary needs within the judicial branch, and structural reform of the courts.

Ongoing

Chapter 3

Request for New Judgeship

INTRODUCTION

During 2005, the Judicial Council approved the request for an additional judgeship from the Third Judicial Circuit. After a thorough review of caseload information and an analysis of workload in the circuit, as well as interviews with Judges, Commonwealth's Attorneys, members of the Bar and others with knowledge of the workings of the courts in this particular circuit, the Council recommends creation of a new judgeship to serve in the Third Circuit, effective July 1, 2006. A review of the caseload for this circuit follows.

THE THIRD JUDICIAL CIRCUIT

The Third Judicial Circuit serves the city of Portsmouth. The estimated 2004 population of the area was 99,261, a decrease of 1.3% from the 2000 population of 100,565.

The Third Circuit has four authorized judgeships. Serving currently are James A. Cales Jr., Mark S. Davis, Johnny E. Morrison, and Dean W. Sword Jr. The Third Circuit is requesting an additional judgeship.

Review of 2004 Caseload

Caseload data for 2004 show that 9,313 cases were commenced in the Third Circuit during the year, a decrease of 2.2% or 209 cases from 2003 levels. This decline was due to a decline of 15.5% in civil cases and an increase of 8.2% in criminal cases.

The total number of cases concluded rose 14.2% during the year, from 8,500 in 2003 to 9,709 in 2004. The number of juries impaneled rose 2.7% from 73 in 2003 to 75 last year. The circuit judges averaged 31 jury trial days each during the year while the number of criminal defendants increased by 271 (or 10.2%) from 2,661 to 2,932.

Third Judicial
Circuit

The Third Judicial Circuit 2004 AT A GLANCE	
Population	99,261
Cases Commenced	
Law	2,423
Equity	1,102
Felony	3,295
Misdemeanor	2,493
Total	9,313
Cases Concluded	
Law	2,529
Equity	1,651
Felony	2,943
Misdemeanor	2,586
Total	9,709
Judges	4.0
Commenced Cases/Judge	
Third	2,328
State	1,880
Urban	1,746
Concluded Cases/Judge	
Third	2,427
State	1,818
Urban	1,693
2005 FORECAST*	
Commenced Cases/Judge	
With 4 Judges	2,423
With 5 Judges	1,938
State (2004)	1,880
State (2005)*	1,859
Urban (2004)	1,746
Concluded Cases/Judge	
With 4 Judges	2,527
With 5 Judges	2,022
State (2004)	1,818
State (2005)*	1,797
Urban (2004)	1,693
*Estimate based on historical data.	

The four judges in the Third Circuit averaged 2,328 commenced cases each in 2004, ranking 8th among the 31 circuits. The Third averaged 2,427 concluded cases per judge, 5th highest in the state in 2004. The number of commenced cases per judge was 448 above the state average of 1,880 and 582 above the urban average of 1,746. The number of concluded cases per judge (2,427) was 609 above the state average (1,818) and 734 above the urban average (1,693).

At the end of 2004, pending cases in the Third totaled 12,547, a decrease of 7.9% from 2003 levels. The number of pending cases per judge stood at 3,137, 2nd in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 15.5% in 2004 to total 3,525. Of these cases, 2.0% were general district appeals, 66.8% other law, 11.1% divorce, 17.2% other equity and 3.0% appeals from the J&DR district courts. Statewide, the distribution was 2.9% general district appeals, 39.8% other law, 32.2% divorce, 17.2% other equity and 5.7% J&DR appeals.

Of the 4,180 civil cases concluded in 2004, 56.8% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 1.9% of concluded civil cases while 0.6% were concluded by a jury trial. Statewide, 30.4% of civil cases settled prior to trial in 2004, 20.4% were concluded by bench trial and 0.8% ended by a trial by jury.

Approximately 66.2% of civil cases concluded reached termination with 12 months of filing. Statewide, 71.2% of civil cases ended within that time frame. About 71.5% reached conclusion within two years while 16.2% actually took five years or longer. The Judicial Council's voluntary case processing time guidelines establish a goal of concluding 90% of civil cases within one year and 100% within two years.

The four judges in the Third Circuit averaged 881 civil cases each in 2004, ranking 4th among the 31 circuits. The state average for the year totaled 701 civil cases per judge, and the average for judges in urban circuits was 729 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Third Circuit increased 8.2% in 2004 from 5,348 cases to 5,788. Of these cases, 56.9% were felonies compared to the statewide average of 68.4%.

Of the 5,529 criminal cases concluded, 27.7% were disposed of by a judge trial while 1.9% reached conclusion by a trial by jury. Statewide, 31.5% of criminal cases were concluded by a judge trial and 1.3% by a jury trial.

Approximately 59.4% of felony cases concluded in the Third Circuit in 2004 reached termination within 120 days of initiation while 79.3% were disposed of within 180 days. Statewide, 49.3% of criminal cases were con-

cluded within 120 days and 69.0% within 180 days. Among misdemeanor cases, the Third disposed of 70.4% within 60 days and 83.4% within 90 days compared to state averages of 51.4% and 69.4%, for the same 60 and 90-day time frames. For criminal cases, the Judicial Council's guidelines call for 90% of all felonies to be concluded within 120 days of arrest, 98% within 180 days, and 100% within one year. For misdemeanor cases, the goal is to conclude 90% within 60 days and 100% within 90 days from the date of arrest.

The judges of the Third Circuit averaged 1,447 criminal cases each in 2004, 11th among the 31 circuits. This was 268 above the average for judges statewide (1,179) and 430 above the average for judges in urban circuits (1,017 criminal cases each).

Forecast for 2005

Based on historical data, the number of cases commenced in the Third Circuit is forecast to increase 4.1%, from 9,313 cases in 2004 to 9,692 in 2005. The number of cases concluded is expected to rise 4.1%, from 9,709 to 10,108.

At the forecast caseload levels for 2005, the four judges in the Third Circuit would each average 2,423 commenced cases and 2,527 concluded cases. This number of commenced cases per judge would be 564 cases above the projected state average for 2005 of 1,859 cases per judge. The number of concluded cases per judge would be 730 cases above the projected state average of 1,797 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the five judges would fall to 1,938, 79 cases above the projected state average of 1,859 cases per judge and 192 more than the 2004 average for urban circuits of 1,746. The number of concluded cases per judge would total 2,022, 225 more than the forecast average for judges statewide (1,797) and 329 more than the 2004 average for urban circuits (1,693 cases per judge).



Chapter 4

Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None

The Commission on Virginia Courts In The 21st Century: To Benefit All, To Exclude None is the judiciary's second futures commission. In 2004, the Chief Justice established a planning committee to create a structure for and select the members of the Commission. The Planning Committee identified the topics which would be addressed by the Commission, recognizing that the Commission would add additional topics as it pursued its work.

The Commission started its year-long work on October 6, 2005. At this inaugural meeting, the Chief Justice challenged the Commission to look at what the citizens of the Commonwealth will need from the judicial system in the year 2016 and beyond. He indicated that the Commission's subtitle "To Benefit All, To Exclude None" should be a guide to the members as they look at what the future may hold and ensure that they remember that the judicial system must continue to provide-and be perceived as providing-justice for all Virginians. The Chief Justice challenged the Commission to make recommendations that will safeguard our cherished judicial system and prepare it to address the opportunities and the challenges that we can foresee for the next ten to twenty years.

In accepting the Chief Justice's charge on behalf of the Commission, the Commission's chair, Anne Marie Whittemore of McGuireWoods, urged the members, as they develop recommendations, to remain focused on the Judiciary's mission: "to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia constitutions." She also explained how the 42-member Commission would be supported by the Executive Committee, the Task Forces, the Advisory Committee, the Office of the Executive Secretary, and the assistant to the Commission chair.

The original Planning Committee expanded its membership and now serves as the Executive Committee. The Commission has five task forces

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that will be preparing recommendations for the Commission to consider. There are task forces on judicial administration, judicial functions, the public and the courts, the structure of the courts, and technology and science. In addition to including the members of the Commission, the task forces are composed of an additional 65 judges, clerks, attorneys, law professors, and members of the public. An Advisory Committee is comprised of the presidents of statewide bar groups or their designees. This Committee is tasked with presenting the work of the Commission to the members of the statewide bar groups and bringing comments and suggestions back to the Commission.

The Executive Secretary has provided each Task Force with two people from his office to assist as appropriate. Those providing this help include eight departmental directors as well as two senior staff.

The Assistant to the Commission Chair is coordinating the Commission's logistics, providing research assistance, attending as many of the meetings of the Commission, Task Forces, and Subcommittees as possible, and coordinating communication among the groups. He will also serve as editor for the Commission's report.

The first presentation to the Commission recounted the vibrancy of the first futures commission which concluded its two-year enterprise in 1989. That commission organized its 131 recommendations around ten visions. The Judicial Council adopted the ten visions and 118 of the recommendations. These became the basis for the judiciary's subsequent strategic planning efforts that have successfully implemented many of the recommendations.

Another presentation to the Commission communicated the results of the 2005 survey of the public's perceptions of the courts of the Commonwealth. While 79% of those surveyed had a positive impression of the courts—a proportion that has remained relatively constant for several years—an even greater number, 91.2%, believe "[t]he courts treat people politely and respectfully." Almost half of those responding had some form of interaction with the courts within the year before the survey.

The final presentation explained "futures thinking" and why it was essential to the work of the Commission. This presentation provided the Commission with a "look into the future" through the lenses of selected trends, such as changing demographics and rapid technological advances that will influence the Commonwealth and require attention from the judicial system.

The task forces held their initial meetings on the afternoon immediately following the first Commission meeting. They organized into sixteen subcommittees. With meetings beginning just a week after the Commission's opening meeting, the task forces, their chairs, and the subcommittees embarked on an aggressive schedule with the goal of presenting a significant number of preliminary recommendations to the Commission when it meets again on March 13, 2006. After that meeting

the Advisory Committee members will circulate the draft recommendations to the members of the statewide bar groups while the task forces and their subcommittees continue writing recommendations.

The Commission's meeting on June 19 will be dedicated to reviewing the draft recommendations and preparing for public hearings. Starting in late June, the chair of the Commission, the chairs of the task forces, and the assistant to the commission chair will hold the hearings across the Commonwealth. The comments from the public hearings will be provided to the task forces which will then fashion their final recommendations to present to the Commission at its October 6, 2006, meeting. The Commission will prepare its final report based on the recommendations it adopts at this meeting. The Commission will present its final report to the Chief Justice in December of 2006 or January of 2007. Following review and adoption by the Judicial Council and Supreme Court, the recommendations will become the basis for future strategic planning within the Virginia courts.

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Chapter 5

Update on Implementation of the Judicial Performance Evaluation Program

INTRODUCTION

An independent judiciary serves as a foundation of our government's system of checks and balances. The constitutional principle of judicial independence requires that judges be free to make decisions based on the law without external pressures or controls. Unlike individuals in other professions, however, judges rarely receive "feedback" concerning their job performance and are often unaware of areas in which they could improve the performance of their duties. In addition, the Virginia General Assembly, which is responsible for electing judge, would benefit from having criteria by which to evaluate judges' job performance. To this end, the 2000 General Assembly passed House Joint Resolution No. 212, which requested that the judicial branch of government recommend evaluation criteria for the judiciary.

In response to this Resolution and in keeping with the recommendation of the Commission on the Future of Virginia's Judicial System, the Supreme Court of Virginia formed a Judicial Performance Evaluation (JPE) Task Force in September 2000. The Supreme Court asked the Task Force "to study the creation of a judicial performance evaluation program." The 27-member Task Force was chaired by Justice Barbara Keenan and included judges from all levels of court, attorneys, and lay persons. The Task Force members were drawn from all regions of the Commonwealth. In its final report submitted to the Supreme Court of Virginia in July 2001, the JPE Task Force recommended a two-step implementation plan for a JPE. First, a JPE pilot program was to be implemented and then, incorporating the lessons from the pilot program, a statewide JPE would be implemented.

Following the guidelines set forth by the JPE Task Force and the Interim JPE Commission ("Interim Commission") that continued the Task Force's work, the Office of the Executive Secretary (OES) implemented a JPE pilot program in 2003-2004. The primary goal of the pilot program was to assess the feasibility of a statewide Judicial Performance Evaluation program and to determine the processes and structures necessary to conduct a program to

During 2005, work began on the statewide implementation of the program. In October, the Judicial Performance Evaluation Program Director began work in the Office of the Executive Secretary to serve as primary staff to the permanent Judicial Performance Evaluation Commission. The Commission is chaired by Justice Barbara Keenan and will convene in January 2006 to begin its work.

evaluate the performance of Virginia's judges for both judicial self-improvement purposes and to provide information to the re-election process.

THE JUDICIAL PERFORMANCE EVALUATION PILOT PROGRAM

The Judicial Performance Pilot Program was conducted between August 2003 and July 2004 using as a core method mailed written evaluation surveys. In seven "pilot" circuits and districts across Virginia, attorneys, jurors and staff from the Department of Social Services and the Court Services Unit (Department of Juvenile Justice), as well as courtroom observers, were asked to evaluate a total of twenty-seven judges drawn from circuit courts, general district courts, and juvenile and domestic relations district courts. In addition, the twenty-seven judges each received a self-evaluation form so that they would have the same opportunity to evaluate their performance as would their "external" evaluators.

The final critical component of the pilot program evaluation process occurred when evaluated judges met with "facilitator judges" to discuss the results of the evaluations. These facilitator judges, all of whom were retired judges in the Commonwealth, were uniquely qualified to discuss the confidential results of judges' performance evaluations and help the evaluated judges assess the import of these results. To assist them with their task, the facilitator judges attended a full-day training session on interpreting and delivering performance evaluation results.

In an attempt to collect approximately 100 completed evaluations for each judge, 4,716 evaluation packets were mailed to attorneys, jurors and staff members of local Departments of Social Services and Juvenile Court Services Units between December 2003 and January 2004. A total of 2,573 attorneys, jurors and DSS/CSU staff members submitted responses resulting in 4,584 completed evaluations for the twenty-seven judges, which resulted in an average of 170 evaluations per judge. For purposes of this program, the "response rate" was defined as the percentage of valid surveys that were returned with at least the questions on the instruction sheet completed (even if no evaluation forms were completed). The response rate for all surveys was an outstanding 58 percent. The "completion rate" was defined as the percentage of valid surveys that were returned with a completed evaluation form for at least one judge. The completion rate for all surveys was an equally impressive 43 percent. While these response rates and completion rates varied across the different circuits and districts, the overall rates of cooperation were encouraging.

Three sets of results were of interest in this JPE pilot program. First, the pilot program provided guidance on the magnitude of effort required to collect a sufficient number of completed evaluations for each judge. Second, the pilot gave an indication of the degree of cooperation that can be expected from those who are asked to complete evaluations (e.g., attorneys, jurors, and DSS/CSU staff). Lastly, the pilot provided information regarding court partici-

pants' opinions of judges' performance based on the standards set forth in the Canons of Judicial Conduct.

STATEWIDE IMPLEMENTATION

The Interim Commission submitted its final report to the Supreme Court of Virginia in November 2004. The report was distributed to all judges for review and comment the following month. Based upon the successful test of the components of the Judicial Performance Evaluation pilot program, the Interim Commission recommended statewide implementation of a Judicial Performance Evaluation program in Virginia for purposes of self-improvement within the judiciary and to provide more objective information for the retention decisions made by the General Assembly. In addition, the Interim Commission recommended to the Supreme Court of Virginia that the program be established by Order of Court and that funding be sought to implement this program.

The Supreme Court of Virginia approved the program in January 2005 and Chief Justice Hassell forwarded the report to House and Senate Courts Committee chairmen noting that the Supreme Court planned to implement the program on a statewide basis subject to appropriate funding being provided by the General Assembly. The 2005 Session of the General Assembly authorized funding for the statewide implementation of the program, effective July 1, 2005.

During 2005, work began on the statewide implementation of the program. Reports with the evaluation schedules for Virginia's circuit and district court judges were designed. In addition, work began on the development of an automated system to produce lists of attorneys to whom evaluation surveys will be distributed. In October 2005, the Judicial Performance Evaluation Program Director began work in the Office of the Executive Secretary to serve as primary staff to the permanent Judicial Performance Evaluation Commission.

The Commission is chaired by Justice Barbara Keenan and will convene in January 2006 to begin its work. The tasks before the Commission and Program Director in 2006 include the securing of the survey research firm to serve as evaluation contractor for an initial two-year period; working with Clerks of Court to develop procedures for the collection of attorney information; the development and delivery of training for all judges who will be evaluated, as well as for all retired judges who will serve either as observer or facilitator judges; and the actual commencement of the evaluation program for judges who are, based on their terms, scheduled for first-of-term, mid-term, or end-of-term evaluations.

Throughout the year, the Judicial Performance Evaluation Commission will determine JPE program policy and oversee and maintain the effectiveness of the program. With the assistance of the Program Director, the Commission will report regularly to the Judicial Council and the Supreme Court of Virginia.



Chapter 6

Drug Treatment Court Programs in Virginia

INTRODUCTION

Drug treatment courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process approved by the Supreme Court of Virginia and its Drug Treatment Court Advisory Committee before establishing a drug treatment court program.

The goals of Virginia's drug treatment courts include: 1) reducing drug addiction and drug dependency among offenders; 2) reducing recidivism; 3) reducing drug-related court workloads; 4) increasing personal, familial and societal accountability among offenders; and, 5) promoting effective planning and use of resources among the criminal justice system and community agencies.

In adopting the Drug Treatment Court Act, the 2004 General Assembly recognized that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. Through the establishment of drug treatment courts, the General Assembly expressed its commitment to enhance public safety by facilitating the creation of drug treatment courts as a means to fulfill these needs. The Supreme Court of Virginia was authorized to provide administrative oversight for the implementation of the Drug Treatment Court Act.

The Supreme Court is also responsible for implementing the state Drug Treatment Court Advisory Committee, chaired by the Chief Justice and comprised of members who represent organizations involved with drug treatment court programs. The purposes of the Committee include recommending standards and planning, assisting with program evaluation, and encouraging interagency cooperation. The Act also directs the formation of local drug court advisory committees to establish local eligibility and participation criteria, as well as operational policies and procedures.

Through the establishment of drug treatment courts, the General Assembly expressed its commitment to enhance public safety by facilitating the creation of drug treatment courts as a means to fulfill these needs. The Supreme Court of Virginia was authorized to provide administrative oversight for the implementation of the Drug Treatment Court Act.

The Act further specified that an offender's participation in a drug treatment court be voluntary and occur only by an appropriate written agreement. Participants are also directed to contribute to the provided treatment costs.

ACTIVITY DURING 2005

The Statewide Drug Treatment Court Advisory Committee held its initial meeting in January 2005. During the year it worked to adopt Standards for adult and juvenile drug treatment court programs and an Application for Permission to Establish a Drug Treatment Court. The standards are based on the "Ten Key Components" of drug treatment courts, nationally recognized performance benchmarks for program operations. During the year, three Standing Committees, in addition to the Executive Committee, were established. These include: 1) the Operations Committee, 2) the Planning and Development Committee, and 3) the Evaluation Committee.

Virginia, like other states, has handled drug offenders in the same way over and over again, perhaps expecting different results. Drug offenders are arrested, convicted, incarcerated, and released. The cycle begins again soon after release with relapse into further drug use. In the early to mid-1990s, as some Virginia judges became increasingly frustrated when the loss of freedom or other forms of punishment did little to correct addiction and criminal behavior, the number of drug offenders continued to climb. A 1997 study conducted by the Department of Criminal Justice Services Research Department indicated that 32% of all convicted felons are drug offenders. This was up from 22% reported in 1988. In the 1997 survey, half (50%) of all convicted felons had evidence of prior drug abuse (34% in 1988) and 31% had alcohol abuse in their background, with over a fourth (27%) admitting heavy use.

Between 1990 and 1997, drug arrests rose 66% in Virginia (17,606 to 29,302). National statistics mirrored Virginia's problems with drug case management. The National Center for State Courts reported that 31% of the 870,000 felony convictions in state trial courts in 1994 were for drug (possession or trafficking) offenses. Drug court programs represent a new way of doing business for state and local courts and criminal justice agencies in the United States. They provide a different type of court intervention in which non-violent substance abusers are held publicly accountable both for their offenses and their recovery. These programs combine intense substance abuse treatment and probation supervision with the court's authority to mandate responsibility and compliance. Drug court programs seek to address the chronic behavioral patterns of drug offenders. As an alternate to traditional court processing, drug courts have proven successful in deterring addicts from future criminal acts. Recidivism rates of drug court graduates have been shown to be significantly less than the re-arrest rates of non-drug court graduates.

Drug courts receive considerable attention by judges interested in handling their significant drug related caseloads more effectively. What began as a single project in Florida in 1989 now has spread to 1,078 programs operating in all

50 states with 418 drug courts in the planning or implementation stages. The State Crime Commission first recommended establishment of a drug court pilot project in Virginia in 1994. *A year later, the Twenty-third Judicial Circuit (Roanoke City, Roanoke County and Salem) established the first drug court in the Commonwealth.*

Reflecting the judiciary's efforts to find more effective methods to handle the escalating number of drug offenders on Virginia's court dockets, seven other drug treatment courts were subsequently implemented in Virginia: the Charlottesville and Albemarle Circuit Courts, the Rappahannock Regional (Fredericksburg, Spotsylvania, Stafford and King George) Circuit and Juvenile and Domestic Relations District Courts, the Richmond Circuit and Juvenile and Domestic Relations District Courts and the Norfolk and Newport News Circuit Courts. At the same time, four other Virginia courts (Virginia Beach General District Court, Newport News Juvenile and Domestic Relations District Court, Portsmouth Circuit Court and Chesterfield/Colonial Heights Circuit Courts) received federal funding to plan drug court. Later, three additional Virginia courts (Hampton Circuit Court, Henrico County Circuit Court and Chesterfield/Colonial Heights Juvenile and Domestic Relations District Court) received federal implementation grants. In a decade, the number of operational drug treatment courts in the state has grown to 28 with additional jurisdictions requesting permission to establish a drug treatment court program. In 2006, most of the operational drug courts in Virginia are adult felony courts (16). There is one (1) adult misdemeanor DUI drug court, eight (8) juvenile drug courts and three (3) family drug courts in the state.

The history of drug treatment courts in Virginia reflects the perseverance of judges, program coordinators, and criminal justice officials to establish these programs as a permanent feature of the state's justice system landscape. Their commitment reflects the strong belief that these programs represent more successful and cost-effective approach to deal with drug-addicted offenders.

Given the potential for this alternative method of adjudicating drug cases, new communities sought permanent funding in the FY 2000 and FY 2002 state biennium budgets for individual programs. In the FY 2002 budget, funding from the Intensified Drug Enforcement Act (IDEA) was made available to the drug courts and totaled \$2.7 million dollars. However, in FY 2003, as revenue shortfalls grew larger than originally anticipated, IDEA funds were moved to support other purposes and drug court funds were eliminated, effective December 2002. To maintain the operations of existing programs, Governor Mark Warner supported the move to permit monies from the Edward Byrne Memorial (Formula) Fund to be made available to support the ten earliest-established drug court programs. The Governor further supported these programs through the request for federal "earmarked" funds that were made available for one year to continue the oldest ten programs through June 30, 2005. Through this request, as well as by directing the Virginia Department of Criminal Justice Services to make Byrne formula funding available, and by including \$520,000 in General Funds in his FY2004-06 budget (adopted),

Governor Warner signaled his support for the Drug Treatment Court model. Current funding supports fourteen (14) drug treatment courts. They are funded by a combination of funds including Byrne discretionary and formula funds, general funds and funds from the Drug Offender Assessment and Treatment Fund.

Judges involved in drug treatment courts, along with state and local criminal justice agency heads and local government officials, continue to strongly support the continuation and expansion of drug treatment courts. With twenty-eight drug treatment courts existing in the state, fourteen operate on federal or federal/state funding with the other fourteen drug treatment court programs existing on volunteer services or local funds. Drug treatment court programs not receiving federal or federal/state funding remain limited in the number of drug offenders they can accept into their programs. Judges and local drug treatment court officials report the need to offer services to a greater number of drug offenders in their jurisdictions.

THE EFFECTIVENESS OF DRUG TREATMENT COURT PROGRAMS

A national study conducted by the National Center on Addiction and Substance Abuse as Columbia University found that approximately 60% of those entering drug treatment courts remain successfully involved after a year. According to the National Office of Justice Programs, more than 90,000 people have enrolled in U.S. drug courts with 70% either graduating or currently enrolled in the programs. One of the primary explanations for the low recidivism rates of drug court participants is the high retention rate of addicts in these programs. Drug treatment courts average twelve to eighteen months in duration. Only 10-30% of addicts who voluntarily enter treatment remain a year while drug treatment court retention rate is 75%. Drug treatment court participants stay in treatment longer and have higher success rates than clients entering treatment voluntarily. Research indicates that addicts who stay in treatment over a year have twice the recovery rates as those who fail to stay in treatment at least a year. (Satel, 1999).

According to the National Drug Court Institute, impact studies indicate that U.S. drug court graduates have recidivism rates averaging between 5% and 19%. The Virginia adult drug court participants had a recidivism rate of 35%, which is significantly lower than the 65% recidivism rate of drug offenders from localities without a drug court prior to 2000. Recidivism rates for drug treatment court graduates are significantly lower than recidivism rates for non-graduates.

Under-girding drug court programs is the philosophy that more effective handling of drug treatment for addicts will result in higher recovery rates and reduced criminal behavior. But why involve the courts in addiction recovery?

- First, the courts are already involved with addicts brought before them on drug and drug-related criminal charges. Therefore, they have a legiti-

mate interest in dispositions that "fit the crime" and best protect public safety.

- Second, arrest often presents a "teachable moment" for the addict. This crisis often jars the addict's denial of their disease and prompts them to seek treatment. A disposition that takes advantage of this teachable moment by applying appropriate and immediate sanctions may prove more effective than sanctions applied long after the shock of arrest has dulled.
- Third, no other treatment program has the power of the court to issue immediate sanctions such as jail time or community service when an addict relapses or when he/she does not adhere to treatment rules. Ongoing judicial interaction and supervision increases the likelihood of participant sobriety. There is simply more inducement to take drug treatment seriously when the power of the court is involved.

Substance abuse treatment reduces drug use and increases productivity. From a practical perspective, benefits to society must be included in the decision equations about treating substance-abusing offenders. Scientific data demonstrates the enormous benefits that drug treatment can have for the addict's family and the community at large. A variety of studies from the National Institutes of Health, Columbia University, the University of Pennsylvania, and other prestigious institutions have all shown that drug treatment reduces drug use by 50 to 60 percent and arrest for violent and non-violent criminal acts by 40 percent or more. Drug abuse treatment reduces the risk of HIV infection, and interventions to prevent HIV are much less costly than treating the person with AIDS. Treatment tied to vocational services improves the prospects for employment, with 40-60 percent more individuals employed.

Successful drug treatment takes a person who is now seen as only a drain on a community's resources and returns the individual to productive membership in society. Best estimates are that for every \$1 spent on drug treatment there is a \$4-7 return in cost savings to society. (California Department of Alcohol and Drug Programs, Gerstein, Johnson, Harwood, Fountain, et al, 1994).

EVALUATION OF VIRGINIA DRUG TREATMENT COURT PROGRAMS

The Virginia Drug Treatment Court Act directs the Office of the Executive Secretary of the Supreme Court of Virginia (OES), in consultation with the state drug treatment court advisory committee, to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. The Act further directs the OES to provide the General Assembly with a report of these evaluations. During 2004 and 2005, with federal grant funds, the OES contracted with a primary researcher to begin an extensive evaluation of Virginia's drug courts. This initial evalua-

tion is not yet complete. However, an executive summary of what has been accomplished was provided to the General Assembly in December 2005.

The 2004 - 2005 evaluation focused on the first 14 adult and juvenile drug courts in Virginia that received federal funding. A brief description of these programs is presented below, followed by study findings related to the implementation of nationally recognized best practices for drug courts by Virginia drug court programs and outcomes of Virginia drug court participants.

Description of Adult Drug Treatment Court Programs and Participants.

Adult drug treatment court programs are voluntary and require offenders to plead guilty to the drug or drug-related charge(s) before entering drug court programs. In 2004, the combined federal, state, and local budget for the 10 adult drug treatment courts in this sample ranged from \$182,500 to \$577,000. The annual program capacity for these courts ranged from 50 to 75 participants. A statewide review of adult program participants revealed that slightly more than half are black males. Prior offense histories indicated an average number of 6.8 prior felony arrests and 5.6 prior misdemeanor arrests per adult drug court participant.

All adult programs show at least a year minimum length to achieve graduation, while most have an average length of about 15 months. Adult drug court coordinators reported that eligible participants have drug-related offenses, no history of violence, and a diagnosed drug addiction. All programs require a minimum length of sobriety for graduation, ranging from 100 days to twelve months. In addition, all programs require participants to successfully complete their substance abuse treatment program prior to graduation.

Description of Juvenile Drug Treatment Court Programs and Participants.

Juvenile drug treatment courts differ significantly from adult programs because the developmental levels and circumstances of youth require different types of therapeutic interventions. The reported combined budgets for Virginia's juvenile drug courts ranged from \$32,000 to \$388,153, allowing an annual program capacity of 16 to 25 participants. Juvenile participants were primarily white males.

All four of the juvenile drug treatment court programs in this sample are post-dispositional. The average program length for graduation varies from about 10 months to 17 months. Primary eligibility criteria and reasons for termination for juvenile programs were similar to those for adult programs. For the four juvenile drug court programs reviewed in this report, the sobriety requirement for graduation varied from 30 days to four months. Each program also requires participants to complete their substance abuse program and community service projects.

Implementation of Ten Key Components in Virginia Drug Treatment Courts.

A staff survey of program policies and procedures revealed a high degree of self-reported compliance with nationally recognized best practices for drug courts, called the Ten Key Components, which were developed by the Bureau of Justice (BJA) and the National Association of Drug Court Professionals (NADCP) in 1997. Overall, both the adult and juvenile drug treatment courts in the sample reported compliance with more than 80% of the performance benchmarks that were created to define and measure implementation of the Ten Key Components. The lowest rates of compliance were with those performance benchmarks that involve prerequisite levels of education for staff, training, continuing education and the creation and functions of a steering committee.

Outcomes of Virginia Drug Treatment Court Participants.

Based on a review of program graduation rates, it appears that a little less than half of adult and juvenile drug court participants successfully complete drug treatment court programs. Although recidivism rates for graduates are significantly lower than recidivism rates for non-graduates, it is unclear how much of this difference can be attributed to the treatment received by program graduates as opposed to differences in motivational and other personal characteristics between those who graduate and those who do not graduate from drug court programs. Overall, about one-third of adult drug court participants and 43% of juvenile drug court participants were rearrested for either a misdemeanor or felony charge after program participation. However, a lack of appropriate comparison data on adult and juvenile drug offenders makes it difficult to put these results into perspective.

As the Supreme Court of Virginia continues its evaluation of Virginia's drug treatment court programs in 2006 and 2007, the research plan includes an examination of the most prevalent reasons for unsuccessful termination of program participants to determine if programmatic changes may be needed to increase graduation rates. In addition, evaluation data will be collected and analyzed to determine which offender characteristics are correlated with successful completion of drug court programs. These findings may perhaps be used to revise eligibility criteria for drug court programs.

Efforts will also continue to evaluate the impact of drug court participation on recidivism to make a more clear determination of program effectiveness. The cost-effectiveness of using drug courts to reduce recidivism, compared to traditional sentencing options such as probation and incarceration, will also be explored.



Chapter 7

Changes to Rules of Court

BACKGROUND

The Constitution of Virginia authorizes the Supreme Court of Virginia to promulgate rules governing the practice and procedures to be used in the courts of the Commonwealth.

In 1974, the Judicial Council of Virginia established an Advisory Committee on the Rules of Court to provide members of the Virginia Bar a means of more easily proposing Rule changes to the Council for recommendation to the Supreme Court. The duties of this committee include: (a) providing the machinery for the evaluation of suggestions for modification of the Rules made by the Bench and Bar and presenting proposed changes to the Judicial Council for its consideration; (b) keeping the Rules up to date in light of procedural changes in other jurisdictions; (c) suggesting desirable changes to clarify ambiguities and eliminate inconsistencies in the Rules; and (d) recommending changes in the Rules to keep them in conformity with the Code of Virginia in order to eliminate possible conflict.

The Advisory Committee on the Rules of Court, as well as the entire Judicial Council, is called upon continually to study and to make recommendations on Rules of Court. Rules recommended by the Council and subsequently adopted by the Supreme Court are published in Volume 11 of the Code of Virginia. All adopted Rule changes are also posted on the Judiciary's website at www.courts.state.va.us.

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND ADOPTED IN DECEMBER 2004 BY THE SUPREME COURT OF VIRGINIA, BECOMING EFFECTIVE IN 2005

Rule 1:1A Recovery of Appellate Attorney's Fees in Circuit Ct.

Rule 2:16 Substitution of Parties

The Judicial Council, is called upon continually to study and to make recommendations on Rules of Court.

Rule 3:15 Substitution of Parties

Rule 5A:4(a) Forms of Briefs and Other Papers

**RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL IN
2004 AND ADOPTED BY THE SUPREME COURT OF VIRGINIA IN
2005**

Rule 3A:8 Pleas

Rule 7C:6 Pleas

Rule 8:18 Pleas

Form 11, Appendix of Forms, Part Three-A Misdemeanor
Proceedings in District and Circuit Courts

**RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND
ADOPTED BY THE SUPREME COURT OF VIRGINIA**

Part Two. (Effective January 1, 2006) Repealed and reserved for
future use.Part Three. Effective January 1, 2006) Repealed existing Part Three
of the Rules of Court and replace with new Part Three
(originally proposed as Part Nine, published in Chapter
4 of the Judicial Council of Virginia 2004 Report to the
General Assembly and Supreme Court of Virginia)Rule 2:18 Use of and Proceedings Before a Comm. In Chancery
(conforming amend.); becomes Rule 3:23 as of January
1, 2006.

Rule 2A:4 Petition for Appeal (conforming amend.)

Rule 3A:9 Pleadings & Motions for Trial: Defenses & Objections

Rule 4:0 Application of Part Four (conforming amend.)

Rule 4.4 Stipulations Regarding Discovery (conforming amend.)

Rule 4.5 Depositions Upon Oral Examination (conforming
amend.)

Rule 4.7	Use of Depositions in Ct. Proceedings (conforming amend.)
Rule 4.8	Interrogatories to Parties (conforming amend.)
Rule 4:15	Motions Practice (conforming amend.)
Rule 5A:5	Original Proceedings (Writ of Actual Innocence)
Rule 5A:20(h)	Opening Brief of Appellant (housekeeping amend.)
Rule 5A:21(g)	Brief of Appellee or GAL (housekeeping amend.)

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL TO THE SUPREME COURT OF VIRGINIA (not adopted as of December 31, 2005)

Rule 5A:3(e)	Extension of Time
Rule 5A:8	Record on Appeal: Transcript or Written Statement
Rule 7A:16.	Isolation Proceedings under Article 3.01 of Title 32.1 of the Code of Virginia; Communicable Diseases of Public Health Significance
Rule 3:25.	Appeal of Orders of Quarantine or Isolation re Communicable Diseases of Public Health Threat
Rule 5:43.	Appeal of Orders Relating to Quarantine or Isolation of Persons
Rule 3A:22	Forms
Rule 3:4	Copies of Complaint
Rule 3:8	Answers, Pleas, Demurrers and Motions
Rule 3:9	Counterclaims
Rule 3:10	Cross-Claims
Rule 3:24	Res Judicata Claim Preclusion
Rule 4:2	Depositions Before Action or Pending Appeal (conforming amend.)

Rule 4:8	Interrogatories to Parties (conforming amend.)
Rule 4:9	Production of Documents and Things and Entry on Land for Inspection and Other Purposes; Production at Trial (conforming amend.)
Rule 4:11	Requests for Admission (conforming amend.)
Rule 7B:3	General Provisions as to Pleadings (conforming amend.)
Rule 7B:4	Trial of Action (conforming amend.)
Rule 7B:10	Third-Party Practice and Consolidation of Actions (conforming amend.)
Form 10	Appendix of Forms, Part Three-A, Contents of Sent. Orders

Judicial Council of

Virginia



Proposed Legislation

REQUEST FOR NEW JUDGESHIP IN THE THIRD JUDICIAL CIRCUIT

A BILL to amend and reenact § 17.1-507 of the Code of Virginia, relating to number of circuit court judges.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-507 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The number of judges of the circuits shall be as follows:

First - 5

Second - 10

Third - ~~4~~5

Fourth - 9

Fifth - 3

Sixth - 2

Seventh - 5

Eighth - 4

Ninth - 4

Tenth - 3

Eleventh - 3

Twelfth - 5

Thirteenth - 8

Fourteenth - 4

Fifteenth - 8

Sixteenth - 5

Seventeenth - 4

Eighteenth - 3

Nineteenth - 15

Twentieth - 4

Twenty-first - 3

Twenty-second - 4

Twenty-third - 6

Twenty-fourth - 5

Twenty-fifth - 4

Twenty-sixth - 5

Twenty-seventh - 5

Twenty-eighth - 3

Twenty-ninth - 4

Thirtieth - 3

Thirty-first - 5

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

COURT TECHNOLOGY FUND

A BILL to amend and reenact §§ 16.1-69.48:2, 17.1-275, 17.1-328, 17.1-329, and 17.1-418 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 17.1 a section numbered 17.1-132, relating to the creation of the Courts Technology Fund.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:2, 17.1-275, 17.1-328, 17.1-329, and 17.1-418 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 1 of Title 17.1 a section numbered 17.1-132 as follows:

§ 17.1-132. Courts Technology Fund

A. There is hereby established the Courts Technology Fund as a special non-reverting fund to be administered by the Supreme Court of Virginia. A portion of the sums collected pursuant to §§ 16.1-69.48:2, 17.1-275, 17.1-328, and 17.1-418 as specified in each section shall be deposited into the state treasury to the credit of the Fund.

B. The fund shall be established on the books of the Comptroller. Any funds remaining in such Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. Except for transfers pursuant to this section, there shall be no transfers out of the Fund, including transfers to the general fund.

C. Money in the Fund shall be allocated at the direction of the Supreme Court of Virginia to staff, advance, update, maintain, replace, repair and support the telecommunications and technology systems of the judicial system. The revenue raised in support of the Fund shall not be used to supplant current funding to the judicial branch.

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases. Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~\$17-\$27~~ less otherwise provided in this section or if the amount in controversy is \$200 or less, then the fee shall be ~~\$12-\$22~~. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Ten dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund Established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of

his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of \$0.50 for each page. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3701. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the

clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be ~~\$50~~60 in cases seeking recovery not exceeding \$50,000, ~~\$100~~\$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132, ~~\$110~~ in cases seeking recovery not exceeding \$100,000, ~~\$10~~ of which shall be apportioned to the Courts Technology Fund established under § 17.1-132, and ~~\$150~~\$160 in cases seeking recovery exceeding \$100,000, ~~\$10~~ of which shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.10.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be ~~\$50~~\$60 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, \$0.25.

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$1.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-328. Fees charged by Clerk of Supreme Court.

The Clerk of the Supreme Court shall charge the following fees:

1. In every case in which a petition is presented, ~~twenty-five dollars~~ \$50, which shall be collected at the time such petition is presented. Twenty-five dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund established under § 17.1-132.

2. For making and certifying a copy of any record or document in the clerk's office, ten cents per 100 words or twenty-five cents per page.

3. For verifying and certifying any record or document not actually copied by the clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in this court which has already been printed.

4. For authentication of any record, document or paper under the seal of the court, fifty cents.

5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.

6. For administering an oath and entering an order qualifying an attorney to practice in the court, two dollars and fifty cents.

7. For certificate of such qualification under seal of the court, one dollar plus the cost of engrossing.

8. For entering an order and licensing an attorney from another state, under the reciprocity statute, \$500.

9. For a law license certificate under seal of the court and a certificate of qualification under seal of the court, ~~one dollar~~ \$15 which shall be apportioned to the Courts Technology Fund established under § 17.1-132, plus the cost of engrossing.

10. For all other services not specifically mentioned above, the same fee would be charged by a clerk of a circuit court in similar cases.

§ 17.1-329. Disposition of fees of Clerk of Supreme Court.

The Clerk of the Supreme Court shall keep an accurate account of all fees and costs collected by him and shall make monthly deposits thereof in a depository, or depositories, approved by the State Treasurer, to the credit of the Commonwealth of Virginia. A report of each deposit shall be promptly submitted to the State Treasurer, and detailed reports thereof shall be made monthly to the State Comptroller. All-Except as provided in § 17.1-328, all such fees and costs shall be credited by the Comptroller to the general fund of the state treasury.

§ 17.1-418. Fees charged by Clerk of the Court of Appeals.

The Clerk of the Court of Appeals shall charge the following fees:

1. For filing a notice of appeal or initiating any matter under the original jurisdiction of the court, ~~twenty five dollars~~ \$50 payable by check or money order to the Clerk of the Court of Appeals. Twenty-five dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund established under § 17.1-132.

2. For making and certifying a copy of any record or document in the Clerk's office, ten cents per 100 words or twenty-five cents per page.

3. For verifying and certifying any record or document not actually copied by the Clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in the Court which has already been printed.

4. For authentication of any record, document or paper under the seal of the Court, fifty cents.

5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.

6. For all other services not specifically mentioned above, the same fee that would be charged by a clerk of a circuit court in similar cases.

SOCIAL SECURITY NUMBERS ON DIVORCE DECREES

A BILL to amend and reenact § 20-121.03 of the Code of Virginia, relating to certain domestic relations documents.

Be it enacted by the General Assembly of Virginia:

1. That § 20-121.03 of the Code of Virginia is amended and reenacted as follows:

§ 20-121.03. Identifying information confidential; separate addendum.

Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any financial information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate addendum filed by the attorney or party. Such separate addendum shall be used to distribute the information only as required by law. Such addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk and that any separate addendum is incorporated by reference into the petition, pleading, motion, agreement, order or decree.

STATEMENT OF ECONOMIC INTERESTS

A BILL to amend and reenact § 2.2-3117 of the Code of Virginia, relating to statements of economic interest; judges.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3117 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by § 2.2-3114 A and D, and § 2.2-3115 A and D shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name
Office or position held or sought
Home address
Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" does not mean an association based on the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed. "Close financial association" does not include an association based on the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the

beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$10,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past 12 months did a business, government, or individual other than a relative or personal friend (i) furnish you with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your private profession or occupation) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$10,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //.

.....
.....
.....

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$10,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past 12 months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia for which total compensation in excess of \$1,000 was received during the past 12 months?

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at \$10,000 or more in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at \$10,000 or more in real property located in the county, city or town in which you serve or in a county, city or town contiguous to the county, city or town in which you serve (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection. AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature

Commonwealth of Virginia

..... of to wit:

The foregoing disclosure form was acknowledged before me

This day of, 20. . . , by

Notary Public
 My commission expires
 (Return only if needed to complete Statement.)

SCHEDULES
 to
 STATEMENT OF ECONOMIC INTERESTS.

NAME

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories		Check one \$10,001 to \$50,000		Check one to More than \$50,000
Banks		-----		-----
Savings institutions		-----		-----
Other loan or finance companies		-----		-----
Insurance companies		-----		-----
Stock, commodity or other brokerage companies		-----		-----
Other businesses: (State principal business activity for each creditor.)		-----		-----
-----		-----		-----
-----		-----		-----

Individual creditors:

(State principal business or occupation of each creditor.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check		Check one
Appropriate	\$10,001	to
categories	\$50,000	More than
		\$50,000
Banks	-----	-----
Savings institutions	-----	-----
Other loan or finance companies	-----	-----
Insurance companies	-----	-----
Stock, commodity or other brokerage companies	-----	-----
Other businesses: (State principal business activity for each creditor.)	-----	-----
-----	-----	-----
-----	-----	-----
Individual creditors: (State principal business or occupation of each creditor.)	-----	-----
-----	-----	-----
-----	-----	-----

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts, contracts, and insurance policies.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments.

Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

Name of Issuer	Type of Entity	Type of Security (stocks, bonds, mutual funds, etc.)	Check one	
			\$10,001 to \$50,000	More than \$50,000
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RETURN TO ITEM 4

SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past 12 months lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as an officer or employee of your agency.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimbursement, etc.)
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

RETURN TO ITEM 5

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past 12 months, (i) furnished you with any gift or entertainment at a single event and the value received by you exceeded \$50 in value, or (ii) furnished you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50 in value. Do not list business entertainment related to your private profession or occupation. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9 (§ 24.2-900 et seq.) of Title 24.2 of the Code of Virginia.

Name of Business, Organization, or Individual	City or County and State	Gift or Event	Approximate Value
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

RETURN TO ITEM 6

SCHEDULE F - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$10,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation, Partnership Farm, Address of Rental Property	City of County and State	Gross income Nature of Enterprise (farming, law, rental property, etc.)	\$50,000 or less	More than \$50,000
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----
-----	-----	-----	-----	-----

RETURN TO ITEM 8

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Only STATE officers and employees should complete this Schedule.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past 12 months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Only STATE officers and employees should complete this Schedule.

Type of business	Name of state governmental agency
-----	-----
-----	-----
-----	-----
-----	-----

SCHEDULE G-3 - PAYMENTS FOR SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association and for which total compensation in excess of \$1,000 was received during the past 12 months.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if services were rendered	Type of service rendered	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 to over
Electric utilities	-----	-----	-----	-----	-----	-----	-----
Gas utilities	-----	-----	-----	-----	-----	-----	-----
Telephone utilities	-----	-----	-----	-----	-----	-----	-----
Water utilities	-----	-----	-----	-----	-----	-----	-----
Cable television companies	-----	-----	-----	-----	-----	-----	-----

Interstate transportation companies	-----	-----	-----	-----	-----	-----	-----
Intrastate transportation companies	-----	-----	-----	-----	-----	-----	-----
Oil or gas retail companies	-----	-----	-----	-----	-----	-----	-----
Banks	-----	-----	-----	-----	-----	-----	-----
Savings institutions	-----	-----	-----	-----	-----	-----	-----
Loan or finance companies	-----	-----	-----	-----	-----	-----	-----
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)	-----	-----	-----	-----	-----	-----	-----
Mining companies	-----	-----	-----	-----	-----	-----	-----
Life insurance companies	-----	-----	-----	-----	-----	-----	-----
Casualty insurance companies	-----	-----	-----	-----	-----	-----	-----
Other insurance companies	-----	-----	-----	-----	-----	-----	-----
Retail companies	-----	-----	-----	-----	-----	-----	-----
Beer, wine or liquor companies or distributors	-----	-----	-----	-----	-----	-----	-----
Trade associations	-----	-----	-----	-----	-----	-----	-----
Professional associations	-----	-----	-----	-----	-----	-----	-----
Associations of public employees or officials	-----	-----	-----	-----	-----	-----	-----
Counties, cities or towns	-----	-----	-----	-----	-----	-----	-----
Labor organizations	-----	-----	-----	-----	-----	-----	-----
Other	-----	-----	-----	-----	-----	-----	-----

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. You may list each parcel of real estate individually if you wish.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate located in your county, city, or town, and any contiguous county, city, or town other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. You may list each parcel of real estate individually if you wish.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past 12 months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at \$10,000 or more. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.

Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.

List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.

State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contact.

Notwithstanding the provisions of this section, justices of the Supreme Court of Virginia, judges of the Court of Appeals, judges of the various circuit courts, and judges of the various general district and juvenile and domestic relations district courts shall not be required to disclose the address or telephone number of their principle residence, or the names or occupations of any immediate family members on the statement of economic interests required by this article. Nothing in this section shall relieve any justice or judge from providing all other information required under this article, nor from the requirement to follow the canons of judicial conduct.

APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

A BILL to amend and reenact § 19.2-159 of the Code of Virginia, relating to appointment of counsel.
Be it enacted by the General Assembly of Virginia:

1. That § 19.2-159 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-159. Determination of indigency; guidelines; statement of indigence; appointment of counsel.

If the accused shall claim that he is indigent, and the charge against him is a criminal offense which may be punishable by death or confinement in the state correctional facility or jail, subject to the provisions of § 19.2-160, the court shall determine from oral examination of the accused or other competent evidence whether or not the accused is indigent within the contemplation of law pursuant to the guidelines set forth in this section.

In making its finding, the court shall determine whether or not the accused is a current recipient of a state or federally funded public assistance program for the indigent. If the accused is a current recipient of such a program and does not waive his right to counsel or retain counsel on his own behalf, he shall be presumed eligible for the appointment of counsel. This presumption shall be rebuttable where the court finds that a more thorough examination of the financial resources of the defendant is necessary. If the accused shall claim to be indigent and is not presumptively eligible under the provisions of this section, then a thorough examination of the financial resources of the accused shall be made with consideration given to the following:

1. The net income of the accused, which shall include his total salary and wages minus deductions required by law. The court also shall take into account income and amenities from other sources including but not limited to social security funds, union funds, veteran's benefits, other regular support from an absent family member, public or private employee pensions, dividends, interests, rents, estates, trusts, or gifts.

2. All assets of the accused which are convertible into cash within a reasonable period of time without causing substantial hardship or jeopardizing the ability of the accused to maintain home and employment. Assets shall include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. All personal property owned by the accused which is readily convertible into cash shall be considered, except property exempt from attachment. Any real estate owned by the accused shall be considered in terms of the amounts which could be raised by a loan on the property. For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a member of the accused's household, shall be considered, unless the spouse was the victim of the offense or offenses allegedly committed by the accused.

3. Any exceptional expenses of the accused and his family which would, in all probability, prohibit him from being able to secure private counsel. Such items shall include but not be limited to costs for medical care, family support obligations, and child care payments.

The available funds of the accused shall be calculated as the sum of his total income and assets less the exceptional expenses as provided in paragraph 3 above. If the accused does not waive his right to counsel or retain counsel on his own behalf, counsel shall be appointed for the accused if his available funds are equal to or below 125 percent of the federal poverty income guidelines prescribed for the size of the household of the accused by the federal Department of Health and Human Services. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

If the available funds of the accused exceed 125 percent of the federal poverty income guidelines and the accused fails to employ counsel and does not waive his right to counsel, the court may, in exceptional circumstances, and where the ends of justice so require, appoint an attorney to represent the accused. However,

in making such appointments, the court shall state in writing its reasons for so doing. The written statement by the court shall be included in the permanent record of the case.

If the court determines that the accused is indigent as contemplated by law pursuant to the guidelines set forth in this section, the court shall provide the accused with a statement which shall contain the following:

"I have been advised this day of, 20 . . ., by the (name of court) court of my right to representation by counsel in the trial of the charge pending against me; I certify that I am without means to employ counsel and I hereby request the court to appoint counsel for me."

..... (signature of accused)

The court shall also require the accused to complete a written financial statement to support the claim of indigency and to permit the court to determine whether or not the accused is indigent within the contemplation of law. The accused shall execute the said statements under oath, and the said court shall appoint competent counsel to represent the accused in the proceeding against him, including an appeal, if any, until relieved or replaced by other counsel.

The executed statements by the accused and the order of appointment of counsel shall be filed with and become a part of the record of such proceeding.

All other instances in which the appointment of counsel is required for an indigent shall be made in accordance with the guidelines prescribed in this section.

Except in jurisdictions having a public defender, counsel appointed by the court for representation of the accused shall be selected by a fair system of rotation among members of the bar practicing before the court whose names are on the list maintained by the Indigent Defense Commission pursuant to § 19.2-163.01. If no attorney who is on the list maintained by the Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the court's satisfaction an appropriate level of training and experience.

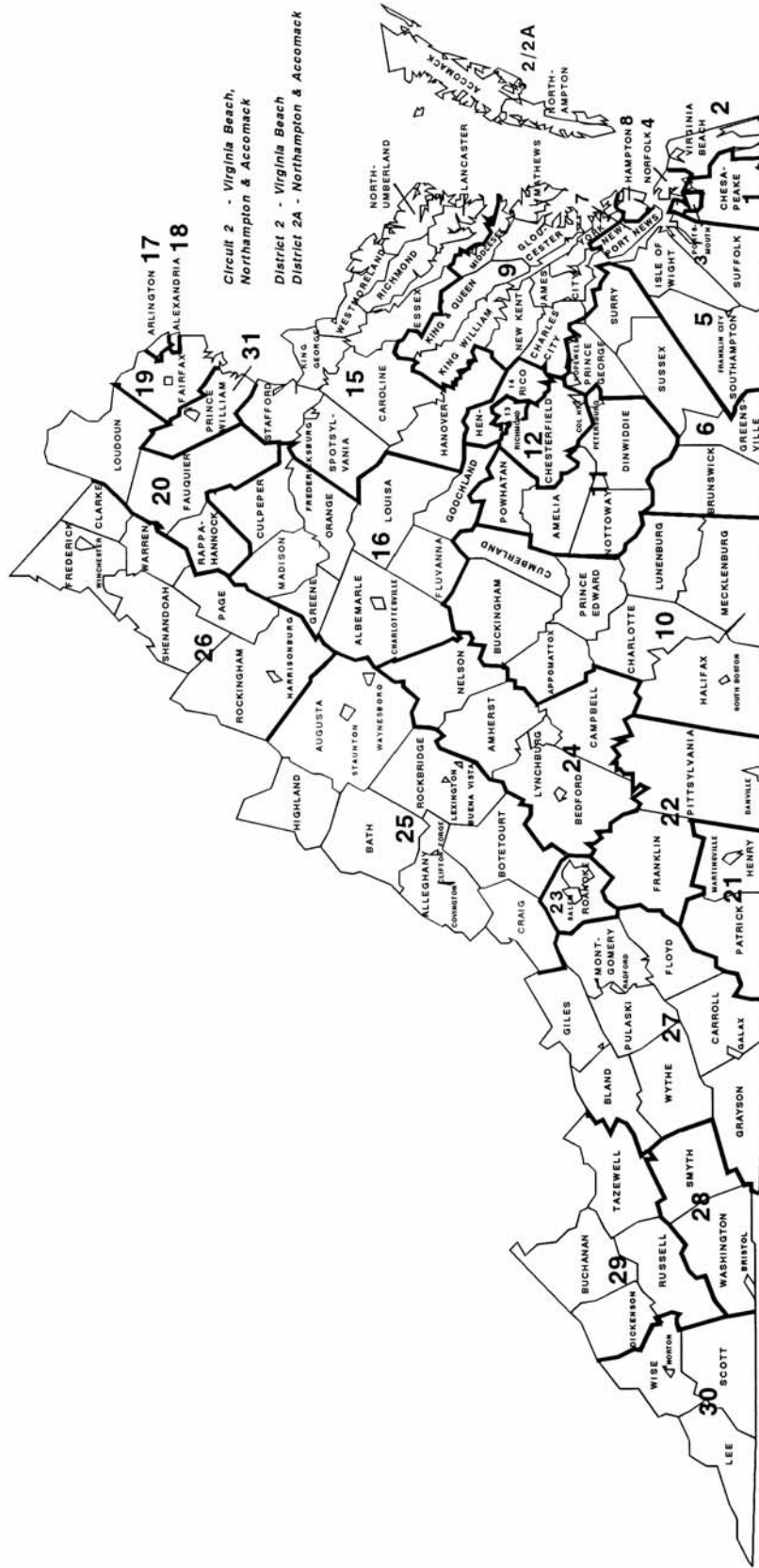
Judicial Council of

Virginia



Map of the Judicial Circuits and Districts

Judicial Circuits and Districts of Virginia



Prepared in the Office of the Executive Secretary,
 Supreme Court of Virginia - December 2005

Virginia Localities by Judicial Circuit/District

Accomack	2/2A	Galax	27	Portsmouth	3
Albemarle	16	Giles	27	Powhatan	11
Alexandria	18	Gloucester	9	Prince Edward	10
Alleghany	25	Goochland	16	Prince George	6
Amelia	11	Grayson	27	Prince William	31
Amherst	24	Greene	16	Pulaski	27
Appomattox	10	Greensville	6	Radford	27
Arlington	17	Halifax	10	Rappahannock	20
Augusta	25	Hampton	8	Richmond County	15
Bath	25	Hanover	15	Richmond City	13
Bedford County	24	Harrisonburg	26	Roanoke County	23
Bland	27	Henrico	14	Roanoke City	23
Botetourt	25	Henry	21	Rockbridge	25
Bristol	28	Highland	25	Rockingham	26
Brunswick	6	Hopewell	6	Russell	29
Buchanan	29	Isle of Wight	5	Salem	23
Buckingham	10	James City	9	Scott	30
Buena Vista	25	King and Queen	9	Shenandoah	26
Campbell	24	King George	15	Smyth	28
Caroline	15	King William	9	Southampton	5
Carroll	27	Lancaster	15	South Boston	10
Charles City	9	Lee	30	Spotsylvania	15
Charlotte	10	Lexington	25	Stafford	15
Charlottesville	16	Loudoun	20	Staunton	25
Chesapeake	1	Louisa	16	Suffolk	5
Chesterfield	12	Lunenburg	10	Surry	6
Clarke	26	Lynchburg	24	Sussex	6
Colonial Heights	12	Madison	16	Tazewell	29
Covington	25	Manassas	31	Virginia Beach	2
Craig	25	Manassas Park	31	Warren	26
Culpeper	16	Martinsville	21	Washington	28
Cumberland	10	Mathews	9	Waynesboro	25
Danville	22	Mecklenburg	10	Westmoreland	15
Dickenson	29	Middlesex	9	Williamsburg	9
Dinwiddie	11	Montgomery	27	Winchester	26
Emporia	6	Nelson	24	Wise	30
Essex	15	New Kent	9	Wythe	27
Fairfax County	19	Newport News	7	York	9
Fairfax City	19	Norfolk	4		
Falls Church	17	Northampton	2/2A		
Fauquier	20	Northumberland	15		
Floyd	27	Norton	30		
Fluvanna	16	Nottoway	11		
Franklin County	22	Orange	16		
Franklin City	5	Page	26		
Frederick	26	Patrick	21		
Fredericksburg	15	Petersburg	11		
		Pittsylvania	22		

Note	
Circuit 2	Virginia Beach Accomack Northampton
District 2	Virginia Beach
District 2A	Accomack Northampton

Virginia Judicial Circuits and Districts

<p>1 Chesapeake</p> <p>2 Virginia Beach</p> <p>2A Accomack Northampton</p> <p>3 Portsmouth</p> <p>4 Norfolk</p> <p>5 Franklin City Isle of Wight Southampton Suffolk</p> <p>6 Brunswick Emporia Greensville Hopewell Prince George Sury Sussex</p> <p>7 Newport News</p> <p>8 Hampton</p> <p>9 Charles City Gloucester James City King & Queen King William Mathews Middlesex New Kent Poquoson Williamsburg York</p> <p>10 Appomattox Buckingham Charlotte Cumberland Halifax Lunenburg Mecklenburg Prince Edward</p> <p>11 Amelia Dinwiddie Nottoway Petersburg Powhatan</p> <p>12 Chesterfield Colonial Heights</p>	<p>13 Richmond</p> <p>14 Henrico</p> <p>15 Caroline Essex Fredericksburg Hanover King George Lancaster Northumberland Richmond Spotsylvania Stafford Westmoreland</p> <p>16 Albemarle Charlottesville Culpeper Fluvanna Goochland Greene Louisa Madiso Orange</p> <p>17 Arlington Falls Church</p> <p>18 Alexandria</p> <p>19 Fairfax County Fairfax City</p> <p>20 Fauquier Loudoun Rappahannock</p> <p>21 Henry Martinsville Patrick</p> <p>22 Danville Franklin County Pittsylvania</p> <p>23 Roanoke City Roanoke County Salem</p> <p>24 Amherst Bedford City Bedford County Campbell Lynchburg Nelson</p>	<p>25 Alleghany Augusta Bath Botetourt Buena Vista Covington Craig Highland Lexington Rockbridge Staunton Waynesboro</p> <p>26 Clarke Frederick Page Rockingham Harrisonburg Shenandoah Warren Winchester</p> <p>27 Bland Carroll Floyd Galax Giles Grayson Montgomery Pulaski Radford Wythe</p> <p>28 Bristol Smyth Washington</p> <p>29 Buchanan Dickenson Russell Tazewell</p> <p>30 Lee Norton Scott Wise</p> <p>31 Manassas Manassas Park Prince William</p>
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