Judicial Council of *Virginia*

Report to the General Assembly and Supreme Court of Virginia

2007

2007

Judicial Council of Virginia

Report to the 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 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.

The Judicial Council of Virginia
2007 Report to the General Assembly and Supreme Court of Virginia
Supreme Court of Virginia, Richmond, Virginia
Published January 2008

SUPREME COURT OF VIRGINIA

SUPREME COURT BUILDING
RICHMOND, VIRGINIA 23219
804-786-6404

January 9, 2008

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

I am pleased to submit to you the 2007 Report of the Judicial Council of Virginia as required by Code § 17.1-705. I am happy to inform you that Virginia's judicial system made significant progress during the past year.

As you know, I appointed a second commission to study the future of Virginia's judiciary; "The Commission on Virginia's Courts in the 21st Century: To Benefit All, To Exclude None." This Commission issued its final report to the Judicial Council of Virginia and the Supreme Court of Virginia. The Judicial Council of Virginia approved 189 of the Commission's 198 recommendations. These recommendations have been submitted to the Supreme Court of Virginia, which will consider the recommendations as the Court develops its strategic plan.

The judicial system constantly seeks to improve the quality of justice and judicial services for our citizens. In 2007, the Supreme Court conducted a comprehensive evaluation of Virginia's magistrate system, and the Court has submitted recommendations for your consideration. The Judicial Performance Evaluation Program conducted its first full year of judicial evaluations. The Supreme Court remains confident that the Judicial Performance Evaluation Program will enhance our judiciary.

Each year, literally millions of Virginians have some type of interaction with Virginia's judicial system. Our judicial system is strong, vibrant, and enjoys the trust and confidence of our fellow Virginians. In order to retain this confidence and to efficiently and fairly resolve litigation, the judicial system will need new resources, including the creation of additional judgeships in the 10th, 14th, 15th, 26th, 27th, and 30th judicial circuits. I have attached information that demonstrates the need for these additional judgeships.

I appreciate, very much, your confidence and your continued support of Virginia's judicial system.

Sincerely,

Leroy Rountree Hassell, Sr.

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The Judicial Council of Virginia

The Honorable Leroy Rountree Hassell, Sr.	Chief Justice, Supreme Court of Virginia
The Honorable Walter S. Felton, Jr.	Chief Judge, Court of Appeals of Virginia
The Honorable Wilford Taylor, Jr.	Judge, Eighth Judicial Circuit
The Honorable William N. Alexander, II	Judge, Twenty-second Judicial Circuit
The Honorable Leslie M. Alden	Judge, Nineteenth Judicial Circuit
The Honorable Gary A. Hicks	Chief Judge, Fourteenth Judicial Circuit
The Honorable C. Randall Lowe	Judge, Twenty-Eighth Judicial Circuit
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The Honorable Teresa M. Chafin	Judge, Twenty-Ninth Judicial Circuit
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 David B. Albo	Member, Virginia House of Delegates
The Honorable Kenneth R. Melvin*	Member, Virginia House of Delegates
Richard Cullen, Esquire	Attorney-at-law, Member of the Bar of the City of Richmond
Leisa K. Ciaffone, 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

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The Honorable Walter S. Felton, Jr., Chief Judge
The Honorable William N. Alexander, II, Judge

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The Honorable William N. Alexander, II, Judge
Ex-Officio:
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The Honorable C. Randall Lowe, 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

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The Honorable Paul C. Garrett, Clerk
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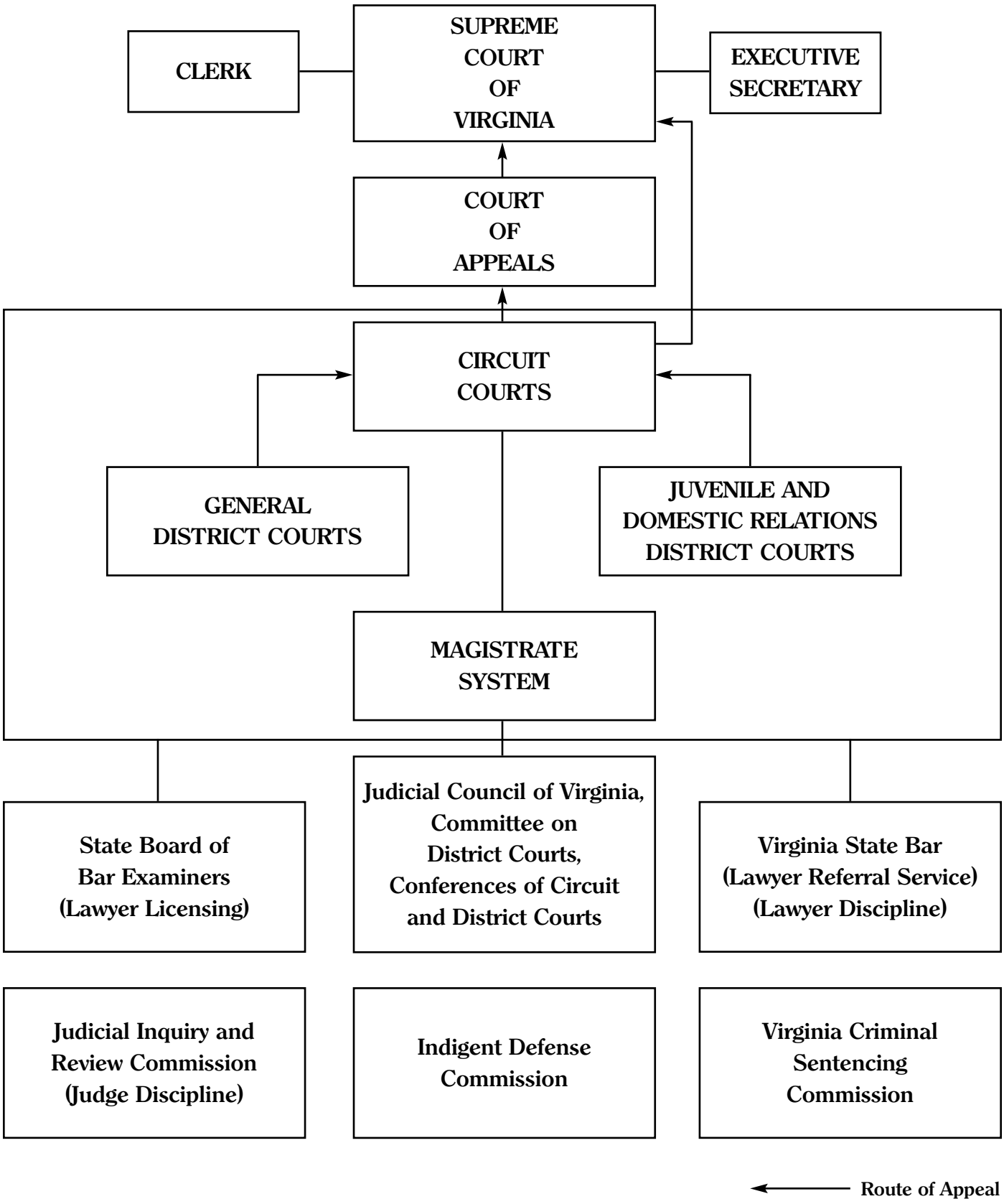
Mr. H. Victor Millner, Jr., Esquire
The Honorable S. Bernard Goodwyn, Judge

Virginia Judicial Branch



Judicial Council of

Virginia

Proceedings of the Judicial Council

2007

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, procedures 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, including the Office of the Executive Secretary and individual courts. The preparation and publication of the court system's comprehensive plan is central to meeting these responsibilities.

During 2007, the judiciary continued the process of developing a new strategic plan. Some of the actions required by the current strategic plan, *Bringing the Future to Justice: Charting the Course in the New Dominion,* are the direct responsibility of the Judicial Council or the Office of the Executive Secretary (OES), while others directly involve local courts. In the chapters of this report, the Judicial Council presents a status report of activities related to 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 2008 Session of the General Assembly.

In the chapters of this report, the Judicial Council presents a status report of activities related to the evolution and implementation of the strategic plan, *Bringing the Future to Justice: Charting the Course in the New Dominion*, and also sets forth the legislative recommendations of the Judicial Council for the 2008 Session of the General Assembly.

LEGISLATIVE PROPOSALS FOR THE 2008 SESSION OF THE GENERAL ASSEMBLY

Request for New Judgeships in the Tenth, Fourteenth, Fifteenth, Twenty-sixth, Twenty-seventh, and Thirtieth Judicial Circuits

During 2007, the Judicial Council considered requests from six Judicial Circuits for an additional judgeship. After a careful review of the caseloads and judicial workloads of these circuits, as well as input from judges and members of the Bar in these circuits, the Council recommends an additional judgeship in the Tenth, Fourteenth, Fifteenth, Twenty-sixth, Twenty-seventh, and Thirtieth Judicial Circuits, effective July 1, 2008. A detailed analysis of the workloads for

these circuits can be found in Chapter 3 of this report.

Proposal to Increase the Retirement Age for Judges

The Judicial Council of Virginia recommends a proposal to increase the mandatory retirement age for judges from 70 to 75.

Proposal to Grant the Appellate Court the Option of Remanding a Case in Lieu of Setting Bail When Overruling a Circuit Court's Decision to Deny Bail

Currently, if either the Court of Appeals or the Supreme Court of Virginia overrules a circuit court's decision to deny bail, the appellate court is required to set bail; however, the appropriate trial records from which to set bail may not be part of the record on appeal. The Judicial Council recommends amending Code § 19.2-319 to grant the appellate court the option of remanding the case in lieu of setting bail.

The Judicial Council of Virginia recommends a proposal to increase the mandatory retirement age for judges from 70 to 75.

Proposal to Clarify Concurrent Jurisdiction Between Juvenile and Circuit Courts for Parentage Proceedings

Although the existing language in Code § 16.1-241 appears to provide the juvenile and domestic relations district court with exclusive jurisdiction over proceedings to determine parentage, the provisions of Code § 20-49.2 specify that "[t]he circuit courts and the juvenile and domestic relations district courts shall have concurrent original jurisdiction" for such proceedings. Both the Committee on District Courts and the Judicial Council recommend that reference to this concurrent jurisdiction be noted in § 16.1-241 to avoid confusion.

Proposal to Prescribe How to Withdraw a Civil Appeal Taken from District Court to Circuit Court

There is currently no statutory provision for the withdrawal of a civil appeal taken from district court to circuit court. Both the Committee on District Courts and the Judicial Council recommend adoption of the proposal set out in the Proposed Legislation section of this report, which prescribes how and when appeals in civil matters may be withdrawn.

PROCEEDINGS OF THE JUDICIAL COUNCIL

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 endeavor. The Commission presented its final report to the Supreme Court of Virginia on January 26, 2007. During 2007, the Judicial Council of Virginia heard a presentation about the Commission's work, then reviewed and discussed the Commission's 198 recommendations to determine which should be approved for consideration by the Supreme Court. The Council approved 189 recommendations as they were submitted by the Commission. Following

review and adoption by the Supreme Court, the recommendations will become the basis for future strategic planning within the Virginia courts. As part of the strategic plan, many of the recommendations will come before the Council again so that it may consider practical aspects of their implementation.

Magistrate System

Chief Justice Hassell formed a Magistrate Study Group to undertake a comprehensive assessment of Virginia's magistrate system in response to Item 30(G) of the Appropriations Act (Special Session I, 2006), which directed the Executive Secretary to submit a report to the Chairmen of the House Appropriations and Senate Finance Committees regarding the selection, training, supervision, accountability, and scheduling of magistrates, and the use of videoconferencing technology. The Study Group and its subcommittees held more than 40 meetings before presenting its findings and recommendations to the Chief Justice and Executive Secretary. The Supreme Court's assessment of the magistrate system and its recommendations to improve the services that magistrates provide to the citizens of the Commonwealth are discussed in Chapter 5 of this report.

The Honorable Harry L. Carrico Outstanding Career Service Award

In honor of the Honorable Harry L. Carrico, the retired Chief Justice of Virginia, the Judicial Council of Virginia created an Outstanding Career Service Award, in 2004. This award is presented annually to one who, over an extended career, demonstrates exceptional leadership in the administration of the courts while exhibiting the traits of integrity, courtesy, impartiality, wisdom, and humility. The 2007 recipient of this award was the Honorable Randall G. Johnson, judge of the Thirteenth Judicial Circuit since 1987, who was a member of the Judicial Council and Chair of the Futures Commission task force on Judicial Administration at the time of his death in August 2006. The award was presented to Judge Johnson's family at the Judicial Conference of Virginia in May 2007.

Following review and adoption by the Supreme Court of Virginia, the recommendations [of the second Futures Commission] will become the basis for future strategic planning within the Virginia courts.

Chapter 2

Virginia's Comprehensive Judicial Planning Process

INTRODUCTION

Maintaining the courts as a core function of our democratic form of government is critically important. In addition to carrying out the basic functions of the justice system, the courts must also be prepared to address special circumstances and needs, such as security and continuity of court services and personnel in the event of natural or man-made disaster. Both the governmental functions and basic operations of the justice system must be able to adapt to societal changes – the opportunities and threats they present and the expectations they create. To ensure that the court system performs its governmental role effectively, the courts maintain an ongoing, comprehensive planning process that identifies the preferred course for meeting responsibilities and monitors progress toward identified ends.

The current strategic plan, *Bringing the Future to Justice: Charting the Course in the New Dominion*, is coming to a close. The development of that Plan occurred in 2003 and 2004, culminating with Judicial Council adoption and Supreme Court approval of some 140 action items. In the years that have followed, the implementation of the Plan's tasks has required broad participation from judges, clerks of court, and magistrates as well as from the Supreme Court and the Office of the Executive Secretary (OES). The court system has now completed many of the Plan's tasks; some tasks have evolved or been replaced as better options or resources have presented themselves. Even though the Plan itself is ending, the planning process operates continuously.

The comprehensive strategic and operational planning process for Virginia courts largely evolved following the 1989 Commission on the Future of Virginia's Judicial System. For many years, the process operated on a two-year cycle. This timing was necessitated by the inclusion in the official Strategic Plan of short-term operating tasks that had been approved as part of the Plan's implementation. The approval and completion of tasks depended significantly on securing adequate resources during the state's biennial fiscal cycle. Recognizing that the truly strategic aspects of planning are longer-term than

Both the governmental functions and basic operations of the justice system must be able to adapt to societal changes—the opportunities and threats they present and the expectations they create. To ensure that the court system performs its governmental role effectively, the courts maintain an ongoing, comprehensive planning process….

two years, the courts began to shift the planning process away from the biennial cycle in 2005. Although implementation and monitoring of the Strategic Plan will be ongoing and the list of operational tasks for the OES will be updated in one- to two-year intervals, actual updates of the long-term strategies of the judicial system – the latest currently being scheduled for completion before the beginning of Fiscal Year 2009 – will now take place at intervals of five years or more.

[A]ctual updates of the long-term strategies of the judicial system…will now take place at intervals of five years or more.

Four types of resources continue to inform the planning process. The foremost of these is the body of findings and recommendations provided by expert commissions and study groups, most notably the judiciary's two Futures Commissions. The mission, visions, and initial objectives of the Strategic Plan were developed from the work of the first (1989) commission. That commission has strongly influenced the values and strategies that have been manifested in the succeeding multi-year plans that the Judicial Council and Supreme Court of Virginia adopted. The recommendations of the second Futures Commission, Virginia Courts in the 21st Century: To Benefit All, To Exclude None, will inform the ensuing cycles of the comprehensive planning process.

Another information resource is ongoing futures research that the judicial branch conducts to help identify and understand developments that could shape the future. By a number of different techniques, including environmental scanning, the identification and analysis of trends, and the solicitation of expert opinions through focus groups, the judicial branch gains information about the choices that are available and what the consequences of those choices may be. These efforts guide the development and implementation of appropriate strategies within the planning process.

The recommendations of the second futures commission, Virginia Courts in the 21st Century: To Benefit All, To Exclude None, will inform the ensuing cycles of the comprehensive planning process.

The remaining sources of information driving the planning process are consumer research and constituent participation. OES conducts surveys periodically to assess citizen perceptions of the Virginia courts; the most recent such survey was in 2007 and is described in Chapter 4 of this report. OES also solicits feedback from individuals involved in the judicial process, including judges, clerks, and attorneys. The next such survey is planned for early 2008 and will focus on the services of the OES. These efforts clarify perceptions of the strengths, weaknesses, opportunities, and threats that the court system faces. These surveys also help identify possible strategies and tasks for the court system and provide feedback regarding their merits.

The judicial branch uses the information from these many sources to draft a comprehensive, long-term strategic plan for consideration by the Judicial Council and Supreme Court of Virginia. After the Supreme Court has formally adopted a set of strategies, the information from these sources then influences the judiciary's budget requests and the development of specific operational tasks by which to implement the strategies. In order to allocate limited resources, tasks are carefully prioritized before implementation. The planning process includes continuous monitoring and evaluation to ensure that tasks are implemented in a timely and effective manner and to assess whether strategies are actually successful in meeting their intended objectives. This

operational feedback then becomes part of the planning information cycle.

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.

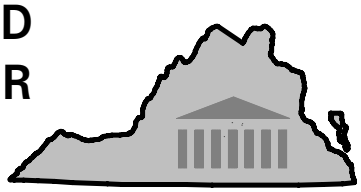
Vision 9
The impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

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.

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
- *FutureView*

Consumer Research
- Citizens
- Consumers
- Stakeholders

Constituent Participation
- Justices
- Judges
- Clerks of Court
- Magistrates
- Bar

Analysis of Consumer and Constituent Research
Update of Emerging Trends
Plus
Legislative Mandates

Identification of Major Themes, Findings, Issues and Recommendations

Venture Teaming with Consumers and Constituents for Idea Generation, Identification of Options and Recommendations for Service Improvement

Present Research, Options and Recommendations to Judicial Council and Supreme Court for **Adoption of Comprehensive Plan**

June-July — Submission of Annual/Biennium Budget

June-Dec. — Development and Update of Annual Operational Plan for State Court Administrator's Office (OES)

IMPLEMENTATION IN THE COURTS

Continuous — **MONITORING & EVALUATION** — Continuous

Continuous

Chapter 3

Request for New Judgeships

INTRODUCTION

During 2007, the Judicial Council approved the requests for an additional judgeship from the Tenth, Fourteenth, Fifteenth, Twenty-sixth, Twenty-seventh, and Thirtieth Judicial Circuits. After a thorough review of caseload and workload information for these circuits, and input from individuals with knowledge of the workings of the courts in these particular circuits, the Council recommends creation of new judgeships to serve in each of these six circuits, effective July 1, 2008. A review of the caseloads for these circuits follows.

THE TENTH JUDICIAL CIRCUIT

Tenth Judicial Circuit

The Tenth Judicial Circuit serves the counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, and Prince Edward. The estimated 2006 population of the area was 156,356, an increase of 1.9% from the 2000 population of 153,412.

The Tenth Circuit currently has three judges: Richard S. Blanton, Leslie M. Osborn, and William L. Wellons. The Tenth Circuit is requesting one additional judgeship.

Review of 2006 Caseload

Caseload data for 2006 show that 6,738 cases were commenced in the Tenth Circuit during the year, a decrease of 3.1% or 218 cases from 2005 levels. This decline was due to a rise of 4.2% in civil cases and a decline of 5.5% in criminal cases.

The total number of cases concluded rose 18.1% during the year, from 5,864 in 2005 to 6,924 in 2006. The number of juries impaneled rose 122.2% from 18 in 2005 to 40 2006. The circuit judges averaged 18 jury trial days each during the year while the number of criminal defendants declined by 65 (or 3.9%) from 1,670 to 1,605.

The Tenth Judicial Circuit 2006 AT A GLANCE	
Population	156,356
Cases Commenced	
Law	1,029
Equity	748
Felony	3,817
Misdemeanor	1,144
Total	6,738
Cases Concluded	
Law	865
Equity	722
Felony	4,066
Misdemeanor	1,271
Total	6,924
Judges	3.0
Commenced Cases/Judge	
Tenth	2,246
State	1,846
Rural (2006)	2,034
Concluded Cases/Judge	
Tenth	2,308
State	1,779
Rural (2006)	1,979
2007 FORECAST*	
Commenced Cases/Judge	
With 3 Judges	2,325
With 4 Judges	1,744
State (2006)	1,846
State (2007)*	1,901
Rural (2006)	2,034
Concluded Cases/Judge	
With 3 Judges	2,399
With 4 Judges	1,799
State (2006)	1,779
State (2007)*	1,834
Rural (2006)	1,979

*Estimate based on historical data.

The three judges in the Tenth Circuit averaged 2,246 commenced cases each in 2006, ranking 4th among the 31 circuits. The Tenth averaged 2,308 concluded cases per judge, 3rd highest in the state in 2006. The number of commenced cases per judge was 400 above the state average of 1,846 and 212 above the rural average of 2,034. The number of concluded cases per judge (2,308) was 529 above the state average (1,779) and 329 above the rural average (1,979).

At the end of 2006, pending cases in the Tenth totaled 5,915, an increase of 18.7% from 2005 levels. The number of pending cases per judge stood at 1,972, 9th in the state among the circuits.

Civil Cases

The number of commenced civil cases increased 4.2% in 2006 to total 1,777. Of these cases, 1.5% were general district appeals, 56.4% other law, 30.7% divorce, 4.0% other equity, and 7.4% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 4.0% other equity, and 5.2% J&DR appeals.

Of the 1,587 civil cases concluded in 2006, 38.8% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 6.8% of concluded civil cases while 0.4% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 75.3% of civil cases concluded reached termination within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 86.1% reached conclusion within two years. 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 three judges in the Tenth Circuit averaged 592 civil cases each in 2006, ranking 17th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in rural circuits was 598 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Tenth Circuit decreased 5.5% in 2006 from 5,251 cases to 4,961. Of these cases, 76.9% were felonies compared to the statewide average of 70.8%.

Of the 5,337 criminal cases concluded, 40.7% were disposed of by a judge trial while 1.0% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 34.5% of felony cases concluded in the Tenth Circuit in 2006 reached termination within 120 days of initiation while 51.6% were disposed of within 180 days. Statewide, 45.2% of criminal cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Tenth disposed of 28.0% within 60 days and 46.6% within 90 days compared to state averages of 48.4% and 65.8%, 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 Tenth Circuit averaged 1,654 criminal cases each in 2006, 4th among the 31 circuits. This was 464 above the average for judges statewide (1,190) and 217 above the average for judges in rural circuits (1,437 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Tenth Circuit is forecast to increase 3.5%, from 6,738 cases in 2006 to 6,976 in 2007. The number of cases concluded is expected to rise 3.9%, from 6,924 to 7,197.

At the forecast caseload levels for 2007, the three judges in the Tenth Circuit would each average 2,325 commenced cases and 2,399 concluded cases. This number of commenced cases per judge would be 424 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 564 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the four judges would fall to 1,744, or 157 cases below the projected state average of 1,901 cases per judge and 290 less than the 2006 average for rural circuits of 2,034. The number of concluded cases per judge would total 1,799, 35 less than the forecast average for judges statewide (1,834) and 180 fewer than the 2006 average for rural circuits (1,979 cases per judge).

THE FOURTEENTH JUDICIAL CIRCUIT

The Fourteenth Judicial Circuit serves the county of Henrico. The estimated 2006 population of the area was 286,842, an increase of 9.4% from the 2000 population of 262,300.

The Fourteenth Circuit currently has five judges: Daniel T. Balfour, Catherine C. Hammond, Lee A. Harris, Jr., Gary A. Hicks, and Burnett Miller, III. The Fourteenth Circuit is requesting one additional judgeship.

Fourteenth Judicial Circuit

Review of 2006 Caseload

Caseload data for 2006 show that 11,060 cases were commenced in the Fourteenth Circuit during the year, an increase of 1.4% or 148 cases from 2005 levels. This growth was due to a rise of 0.3% in civil cases and an increase of 1.7% in criminal cases.

The total number of cases concluded rose 10.8% during the year, from 10,183 in 2005 to 11,281 in 2006. The number of juries impaneled rose 33.9% from 59 in 2005 to 79 in 2006. The circuit judges averaged 21 jury trial days each during the year while the number of criminal defendants declined

The Fourteenth Judicial Circuit 2006 AT A GLANCE	
Population	286,842
Cases Commenced	
Law	1,526
Equity	1,327
Felony	5,528
Misdemeanor	2,679
Total	11,060
Cases Concluded	
Law	1,567
Equity	1,540
Felony	5,459
Misdemeanor	2,715
Total	11,281
Judges	5.0
Commenced Cases/Judge	
Fourteenth	2,212
State	1,846
Urban	1,702
Concluded Cases/Judge	
Fourteenth	2,256
State	1,779
Urban	1,626
2007 FORECAST*	
Commenced Cases/Judge	
With 5 Judges	2,293
With 6 Judges	1,911
State (2006)	1,846
State (2007)*	1,901
Urban (2006)	1,702
Concluded Cases/Judge	
With 5 Judges	2,339
With 6 Judges	1,949
State (2006)	1,779
State (2007)*	1,834
Urban (2006)	1,626

*Estimate based on historical data.

by 45 (or 1.1%) from 3,929 to 3,884.

The five judges in the Fourteenth Circuit averaged 2,212 commenced cases each in 2006, ranking 5th among the 31 circuits. The Fourteenth averaged 2,256 concluded cases per judge, 5th highest in the state in 2006. The number of commenced cases per judge was 366 above the state average of 1,846 and 510 above the urban average of 1,702. The number of concluded cases per judge (2,256) was 477 above the state average (1,779) and 630 above the urban average (1,626).

At the end of 2006, pending cases in the Fourteenth totaled 7,050, an increase of 7.4% from 2005 levels. The number of pending cases per judge stood at 1,410, 21st in the state among the circuits.

Civil Cases

The number of commenced civil cases increased 0.3% in 2006 to total 2,853. Of these cases, 3.4% were general district appeals, 50.1% other law, 37.6% divorce, 2.1% other equity, and 6.8% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 2.1% other equity, and 5.2% J&DR appeals.

Of the 3,107 civil cases concluded in 2006, 19.0% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 1.4% of concluded civil cases while 1.6% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 62.3% of civil cases concluded reached termination within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 75.8% reached conclusion within two years. 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 five judges in the Fourteenth Circuit averaged 571 civil cases each in 2006, ranking 20th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in urban circuits was 700 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Fourteenth Circuit increased 1.7% in 2006 from 8,068 cases to 8,207. Of these cases, 67.4% were felonies compared to the statewide average of 70.8%.

Of the 8,174 criminal cases concluded, 24.6% were disposed of by a judge trial while 0.8% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 41.9% of felony cases concluded in the Fourteenth Circuit in 2006 reached termination within 120 days of initiation while 67.5% were disposed of within 180 days. Statewide, 45.2% of criminal cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Fourteenth disposed of 54.8% within 60 days and 76.3% within 90 days

compared to state averages of 48.4% and 65.8%, 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 Fourteenth Circuit averaged 1,642 criminal cases each in 2006, 5th among the 31 circuits. This was 452 above the average for judges statewide (1,190) and 640 above the average for judges in urban circuits (1,002 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Fourteenth Circuit is forecast to increase 3.7%, from 11,060 cases in 2006 to 11,467 in 2007. The number of cases concluded is expected to rise 3.7%, from 11,281 to 11,695.

At the forecast caseload levels for 2007, the five judges in the Fourteenth Circuit would each average 2,293 commenced cases and 2,339 concluded cases. This number of commenced cases per judge would be 392 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 505 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the six judges would fall to 1,911, or 10 cases above the projected state average of 1,901 cases per judge and 209 more than the 2006 average for urban circuits of 1,702. The number of concluded cases per judge would total 1,949, 115 more than the forecast average for judges statewide (1,834) and 323 more than the 2006 average for urban circuits (1,626 cases per judge).

THE FIFTEENTH JUDICIAL CIRCUIT

The Fifteenth Judicial Circuit serves the counties of Caroline, Essex, Fredericksburg, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland, and city of Fredericksburg. The estimated 2006 population of the area was 464,994, an increase of 20.2% from the 2000 population of 386,706.

The Fifteenth Circuit currently has eight judges: John Richard Alderman, J. Martin Bass, David H. Beck, George Mason, III, Horace A. Revercomb, III, John W. Scott, Jr., Harry T. Taliaferro, III, and Gordon F. Willis. The Fifteenth Circuit is requesting one additional judgeship.

Fifteenth Judicial Circuit

Review of 2006 Caseload

Caseload data for 2006 show that 17,650 cases were commenced in the Fifteenth Circuit during the year, an increase of 0.4% or 70 cases from 2005 levels. This growth was due to a decline of 5.6% in civil cases and an increase

The Fifteenth Judicial Circuit 2006 AT A GLANCE	
Population	464,994
Cases Commenced	
Law	2,958
Equity	2,483
Felony	8,602
Misdemeanor	3,607
Total	17,650
Cases Concluded	
Law	2,660
Equity	2,374
Felony	8,644
Misdemeanor	3,731
Total	17,409
Judges	8.0
Commenced Cases/Judge	
Fifteenth	2,206
State	1,846
Rural (2006)	2,034
Concluded Cases/Judge	
Fifteenth	2,176
State	1,779
Rural (2006)	1,979

2007 FORECAST*	
Commenced Cases/Judge	
With 8 Judges	2,305
With 9 Judges	2,049
State (2006)	1,846
State (2007)*	1,901
Rural (2006)	2,034
Concluded Cases/Judge	
With 8 Judges	2,230
With 9 Judges	1,982
State (2006)	1,779
State (2007)*	1,834
Rural (2006)	1,979

*Estimate based on historical data.

of 3.3% in criminal cases.

The total number of cases concluded fell 5.2% during the year, from 18,371 in 2005 to 17,409 in 2006. The number of juries impaneled fell 5.4% from 129 in 2005 to 122 last year. The circuit judges averaged 21 jury trial days each during the year while the number of criminal defendants declined by 137 (or 2.7%) from 5,009 to 4,872.

The eight judges in the Fifteenth Circuit averaged 2,206 commenced cases each in 2006, ranking 6th among the 31 circuits. The Fifteenth averaged 2,176 concluded cases per judge, 6th highest in the state in 2006. The number of commenced cases per judge was 360 above the state average of 1,846 and 172 above the rural average of 2,034. The number of concluded cases per judge (2,176) was 397 above the state average (1,779) and 197 above the rural average (1,979).

At the end of 2006, pending cases in the Fifteenth totaled 14,944, a decrease of 0.6% over 2005 levels. The number of pending cases per judge stood at 1,868, 11th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 5.6% in 2006 to total 5,441. Of these cases, 2.4% were general district appeals, 51.9% other law, 35.2% divorce, 3.5% other equity, and 6.9% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 3.5% other equity, and 5.2% J&DR appeals.

Of the 5,034 civil cases concluded in 2006, 36.9% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 6.5% of concluded civil cases while 0.2% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 69.8% of civil cases concluded reached termination within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 81.9% reached conclusion within two years. 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 eight judges in the Fifteenth Circuit averaged 680 civil cases each in 2006, ranking 11th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in rural circuits was 598 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Fifteenth Circuit increased 3.3% in 2006 from 11,817 cases to 12,209. Of these cases, 70.5% were felonies compared to the statewide average of 70.8%.

Of the 12,375 criminal cases concluded, 20.6% were disposed of by a judge trial while 1.9% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 35.4% of felony cases concluded in the Fifteenth Circuit in 2006 reached termination within 120 days of initiation while 58.6% were disposed of within 180 days. Statewide, 45.2% of criminal cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Fifteenth disposed of 40.1% within 60 days and 60.7% within 90 days compared to state averages of 48.4% and 65.8%, 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 Fifteenth Circuit averaged 1,527 criminal cases each in 2006, 7th among the 31 circuits. This was 337 above the average for judges statewide (1,190) and 90 above the average for judges in rural circuits (1,437 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Fifteenth Circuit is forecast to increase 4.5%, from 17,650 cases in 2006 to 18,440 in 2007. The number of cases concluded is expected to rise 2.5%, from 17,409 to 17,837.

At the forecast caseload levels for 2007, the eight judges in the Fifteenth Circuit would each average 2,305 commenced cases and 2,230 concluded cases. This number of commenced cases per judge would be 404 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 395 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the nine judges would fall to 2,049, or 148 cases above the projected state average of 1,901 cases per judge and 15 more than the 2006 average for rural circuits of 2,034. The number of concluded cases per judge would total 1,982, 148 more than the forecast average for judges statewide (1,834) and 3 more than the 2006 average for rural circuits (1,979 cases per judge).

THE TWENTY-SIXTH JUDICIAL CIRCUIT

The Twenty-Sixth Judicial Circuit serves the counties of Clarke, Frederick, Page, Rockingham, Shenandoah, Warren, and the cities of Harrisonburg and Winchester. The estimated 2006 population of the area was 327,217, an increase of 11.5% from the 2000 population of 293,449.

Twenty-Sixth Judicial Circuit

The Twenty-Sixth Circuit currently has five judges: Dennis Lee Hupp, James V. Lane, John J. McGrath, Jr., John R. Prosser, and John E. Wetsel, Jr. The Twenty-Sixth Circuit is requesting one additional judgeship.

The Twenty-Sixth Judicial Circuit 2006 AT A GLANCE	
Population	327,217
Cases Commenced	
Law	1,629
Equity	1,799
Felony	6,601
Misdemeanor	2,312
Total	12,341
Cases Concluded	
Law	1,639
Equity	1,827
Felony	5,949
Misdemeanor	2,098
Total	11,513
Judges	5.0
Commenced Cases/Judge	
Twenty-Sixth	2,468
State	1,846
Rural (2006)	2,034
Concluded Cases/Judge	
Twenty-Sixth	2,303
State	1,779
Rural (2006)	1,979

2007 FORECAST*	
Commenced Cases/Judge	
With 5 Judges	2,571
With 6 Judges	2,142
State (2006)	1,846
State (2007)*	1,901
Rural (2006)	2,034
Concluded Cases/Judge	
With 5 Judges	2,389
With 6 Judges	1,991
State (2006)	1,779
State (2007)*	1,834
Rural (2006)	1,979

*Estimate based on historical data.

Review of 2006 Caseload

Caseload data for 2006 show that 12,341 cases were commenced in the Twenty-Sixth Circuit during the year, an increase of 12.8% or 1,401 cases from 2005 levels. This growth was due to a decline of 5.9% in civil cases and an increase of 22.1% in criminal cases.

The total number of cases concluded rose 9.9% during the year, from 10,476 in 2005 to 11,513 in 2006. The number of juries impaneled rose 7.2% from 69 in 2005 to 74 in 2006. The circuit judges averaged 21 jury trial days each during the year while the number of criminal defendants increased by 402 (or 14.8%) from 2,714 to 3,116.

The five judges in the Twenty-Sixth Circuit averaged 2,468 commenced cases each in 2006, ranking 3rd among the 31 circuits. The Twenty-Sixth averaged 2,303 concluded cases per judge, 4th highest in the state in 2006. The number of commenced cases per judge was 622 above the state average of 1,846 and 434 above the rural average of 2,034. The number of concluded cases per judge (2,303) was 523 above the state average (1,779) and 324 above the rural average (1,979).

At the end of 2006, pending cases in the Twenty-Sixth totaled 9,153, an increase of 19.6% over 2005 levels. The number of pending cases per judge stood at 1,831, 12th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 5.9% in 2006 to total 3,428. Of these cases, 2.1% were general district appeals, 45.4% other law, 43.0% divorce, 3.4% other equity, and 6.0% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 3.4% other equity, and 5.2% J&DR appeals.

Of the 3,466 civil cases concluded in 2006, 25.6% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 15.6% of concluded civil cases while 0.5% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 71.6% of civil cases concluded within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 86.2% reached conclusion within two years. 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 five judges in the Twenty-Sixth Circuit averaged 686 civil cases each in 2006, ranking 10th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in rural circuits was 598 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Twenty-Sixth Circuit increased 22.1% in 2006 from 7,299 cases to 8,913. Of these cases, 74.1% were felonies

compared to the statewide average of 70.8%.

Of the 8,047 criminal cases concluded, 24.0% were disposed of by a judge trial while 1.5% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 37.6% of felony cases concluded in the Twenty-Sixth Circuit in 2006 reached termination within 120 days of initiation while 55.8% were disposed of within 180 days. Statewide, 45.2% of felony cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Twenty-Sixth disposed of 40.8% within 60 days and 57.9% within 90 days compared to state averages of 48.4% and 65.8%, 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 Twenty-Sixth Circuit averaged 1,783 criminal cases each in 2006, 3rd among the 31 circuits. This was 593 above the average for judges statewide (1,190) and 346 above the average for judges in rural circuits (1,437 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Twenty-Sixth Circuit is forecast to increase 4.2%, from 12,341 cases in 2006 to 12,854 in 2007. The number of cases concluded is expected to rise 3.7%, from 11,513 to 11,945.

At the forecast caseload levels for 2007, the five judges in the Twenty-Sixth Circuit would each average 2,571 commenced cases and 2,389 concluded cases. This number of commenced cases per judge would be 670 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 554 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the six judges would fall to 2,142, or 241 cases above the projected state average of 1,901 cases per judge and 108 more than the 2006 average for rural circuits of 2,034. The number of concluded cases per judge would total 1,991, 157 more than the forecast average for judges statewide (1,834) and 12 more than the 2006 average for rural circuits (1,979 cases per judge).

THE TWENTY-SEVENTH JUDICIAL CIRCUIT

Twenty-Seventh Judicial Circuit

The Twenty-Seventh Judicial Circuit serves the counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe, and the cities of Galax and Radford. The estimated 2006 population of the area was 257,682, an increase of 2.0% from the 2000 population of 252,679.

The Twenty-Seventh Circuit currently has five judges: Brett L. Geisler, Colin R. Gibb, Ray Wilson Grubbs, Josiah T. Showalter Jr., and Robert M. D. Turk. The Twenty-Seventh Circuit is requesting one additional judgeship.

The Twenty-Seventh Judicial Circuit 2006 AT A GLANCE	
Population	257,682
Cases Commenced	
Law	1,504
Equity	1,401
Felony	7,490
Misdemeanor	2,454
Total	12,849
Cases Concluded	
Law	1,352
Equity	1,307
Felony	7,247
Misdemeanor	2,405
Total	12,311
Judges	5.0
Commenced Cases/Judge	
Twenty-Seventh	2,570
State	1,846
Rural (2006)	2,034
Concluded Cases/Judge	
Twenty-Seventh	2,462
State	1,779
Rural (2006)	1,979

2007 FORECAST*	
Commenced Cases/Judge	
With 5 Judges	2,691
With 6 Judges	2,242
State (2006)	1,846
State (2007)*	1,901
Rural (2006)	2,034
Concluded Cases/Judge	
With 5 Judges	2,572
With 6 Judges	2,143
State (2006)	1,779
State (2007)*	1,834
Rural (2006)	1,979

*Estimate based on historical data.

Review of 2006 Caseload

Caseload data for 2006 show that 12,849 cases were commenced in the Twenty-Seventh Circuit during the year, an increase of 3.1% or 389 cases from 2005 levels. This growth was due to a decline of 3.7% in civil cases and an increase of 5.3% in criminal cases.

The total number of cases concluded rose 3.2% during the year, from 11,933 in 2005 to 12,311 in 2006. The number of juries impaneled fell 36.4% from 11 in 2005 to 7 in 2006. The circuit judges averaged 2 jury trial days each during the year while the number of criminal defendants increased by 150 (or 4.6%) from 3,238 to 3,388.

The five judges in the Twenty-Seventh Circuit averaged 2,570 commenced cases each in 2006, ranking 2nd among the 31 circuits. The Twenty-Seventh averaged 2,462 concluded cases per judge, 2nd highest in the state in 2006. The number of commenced cases per judge was 724 above the state average of 1,846 and 536 above the rural average of 2,034. The number of concluded cases per judge (2,462) was 683 above the state average (1,779) and 483 above the rural average (1,979).

At the end of 2006, pending cases in the Twenty-Seventh totaled 11,509, an increase of 13.4% over 2005 levels. The number of pending cases per judge stood at 2,301, 4th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 3.7% in 2006 to total 2,905. Of these cases, 2.9% were general district appeals, 48.9% other law, 39.8% divorce, 3.0% other equity, and 5.4% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 3.0% other equity, and 5.2% J&DR appeals.

Of the 2,659 civil cases concluded in 2006, 25.3% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 19.2% of concluded civil cases while 0.2% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 70.1% of civil cases concluded within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 81.8% reached conclusion within two years. 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 five judges in the Twenty-Seventh Circuit averaged 581 civil cases each in 2006, ranking 19th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in rural circuits was 598 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Twenty-Seventh Circuit increased 5.3% in 2006 from 9,442 cases to 9,944. Of these cases, 75.3% were

felonies compared to the statewide average of 70.8%.

Of the 9,652 criminal cases concluded, 23.9% were disposed of by a judge trial while 0.3% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 29.1% of felony cases concluded in the Twenty-Seventh Circuit in 2006 reached termination within 120 days of initiation while 50.3% were disposed of within 180 days. Statewide, 45.2% of felony cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Twenty-Seventh disposed of 27.2% within 60 days and 43.2% within 90 days compared to state averages of 48.4% and 65.8%, 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 Twenty-Seventh Circuit averaged 1,989 criminal cases each in 2006, 2nd among the 31 circuits. This was 799 above the average for judges statewide (1,190) and 552 above the average for judges in rural circuits (1,437 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Twenty-Seventh Circuit is forecast to increase 4.7%, from 12,849 cases in 2006 to 13,453 in 2007. The number of cases concluded is expected to rise 4.4%, from 12,311 to 12,858.

At the forecast caseload levels for 2007, the five judges in the Twenty-Seventh Circuit would each average 2,691 commenced cases and 2,572 concluded cases. This number of commenced cases per judge would be 790 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 738 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the six judges would fall to 2,242, or 341 cases above the projected state average of 1,901 cases per judge and 208 more than the 2006 average for rural circuits of 2,034. The number of concluded cases per judge would total 2,143, 309 more than the forecast average for judges statewide (1,834) and 164 more than the 2006 average for rural circuits (1,979 cases per judge).

THE THIRTIETH JUDICIAL CIRCUIT

Thirtieth Judicial Circuit

The Thirtieth Judicial Circuit serves the counties of Lee, Scott, Wise, and the city of Norton. The estimated 2006 population of the area was 94,355, an increase of 1.3% from the 2000 population of 93,105.

The Thirtieth Circuit currently has three judges: Joseph R. Carico, John C. Kilgore, and Tammy S. McElyea. The Thirtieth Circuit is requesting one additional judgeship.

The Thirtieth Judicial Circuit 2006 AT A GLANCE	
Population	94,355
Cases Commenced	
Law	762
Equity	746
Felony	4,365
Misdemeanor	2,709
Total	8,582
Cases Concluded	
Law	690
Equity	714
Felony	4,200
Misdemeanor	2,511
Total	8,115
Judges	3.0
Commenced Cases/Judge	
Thirtieth	2,861
State	1,846
Rural (2006)	2,034
Concluded Cases/Judge	
Thirtieth	2,705
State	1,779
Rural (2006)	1,979

2007 FORECAST*	
Commenced Cases/Judge	
With 3 Judges	3,015
With 4 Judges	2,262
State (2006)	1,846
State (2007)*	1,901
Rural (2006)	2,034
Concluded Cases/Judge	
With 3 Judges	2,835
With 4 Judges	2,126
State (2006)	1,779
State (2007)*	1,834
Rural (2006)	1,979

*Estimate based on historical data.

Review of 2006 Caseload

Caseload data for 2006 show that 8,582 cases were commenced in the Thirtieth Circuit during the year, an increase of 25.2% or 1,727 cases from 2005 levels. This growth was due to a decline of 2.2% in civil cases and an increase of 33.1% in criminal cases.

The total number of cases concluded rose 21.2% during the year, from 6,697 in 2005 to 8,115 in 2006. The number of juries impaneled fell 6.5% from 31 in 2005 to 29 in 2006. The circuit judges averaged 11 jury trial days each during the year while the number of criminal defendants increased by 177 (or 9.9%) from 1,795 to 1,972.

The three judges in the Thirtieth Circuit averaged 2,861 commenced cases each in 2006, ranking 1st among the 31 circuits. The Thirtieth averaged 2,705 concluded cases per judge, 1st highest in the state in 2006. The number of commenced cases per judge was 1,015 above the state average of 1,846 and 827 above the rural average of 2,034. The number of concluded cases per judge (2,705) was 926 above the state average (1,779) and 726 above the rural average (1,979).

At the end of 2006, pending cases in the Thirtieth totaled 6,315, an increase of 4.6% from 2005 levels. The number of pending cases per judge stood at 2,105, 7th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 2.2% in 2006 to total 1,508. Of these cases, 2.8% were general district appeals, 47.7% other law, 36.1% divorce, 5.3% other equity, and 8.1% appeals from the J&DR district courts. Statewide, the distribution was 2.8% general district appeals, 55.0% other law, 33.2% divorce, 5.3% other equity and 5.2% J&DR appeals.

Of the 1,404 civil cases concluded in 2006, 19.8% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 24.5% of concluded civil cases while 1.0% were concluded by a jury trial. Statewide, 31.5% of civil cases settled prior to trial in 2006; 22.3% were concluded by bench trial; and 0.7% ended by a trial by jury.

Approximately 60.4% of civil cases concluded within 12 months of filing. Statewide, 73.8% of civil cases ended within that time frame. About 74.9% reached conclusion within two years. 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 three judges in the Thirtieth Circuit averaged 503 civil cases each in 2006, ranking 26th among the 31 circuits. The state average for the year totaled 656 civil cases per judge, and the average for judges in rural circuits was 598 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Thirtieth Circuit increased 33.1% in 2006 from 5,313 cases to 7,074. Of these cases, 61.7% were felonies com-

pared to the statewide average of 70.8%.

Of the 6,711 criminal cases concluded, 6.1% were disposed of by a judge trial while 0.6% reached conclusion by a trial by jury. Statewide, 29.8% of criminal cases were concluded by a judge trial and 1.4% by a jury trial.

Approximately 32.4% of felony cases concluded in the Thirtieth Circuit in 2006 reached termination within 120 days of initiation while 47.0% were disposed of within 180 days. Statewide, 45.2% of felony cases were concluded within 120 days and 64.4% within 180 days. Among misdemeanor cases, the Thirtieth disposed of 44.3% within 60 days and 59.5% within 90 days compared to state averages of 48.4% and 65.8%, 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 Thirtieth Circuit averaged 2,358 criminal cases each in 2006, 1st among the 31 circuits. This was 1,168 above the average for judges statewide (1,190) and 921 above the average for judges in rural circuits (1,437 criminal cases each).

Forecast for 2007

Based on historical data, the number of cases commenced in the Thirtieth Circuit is forecast to increase 5.4%, from 8,582 cases in 2006 to 9,046 in 2007. The number of cases concluded is expected to rise 4.8%, from 8,115 to 8,505.

At the forecast caseload levels for 2007, the three judges in the Thirtieth Circuit would each average 3,015 commenced cases and 2,835 concluded cases. This number of commenced cases per judge would be 1,114 cases above the projected state average for 2007 of 1,901 cases per judge. The number of concluded cases per judge would be 1,000 cases above the projected state average of 1,834 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the four judges would fall to 2,262 or 361 cases above the projected state average of 1,901 cases per judge and 228 more than the 2006 average for rural circuits of 2,034. The number of concluded cases per judge would total 2,126, 292 more than the forecast average for judges statewide (1,834) and 147 more than the 2006 average for rural circuits (1,979 cases per judge).

Chapter 4

Findings from the 2007 Telephone Survey of Virginia Residents

During the fall of 2007, the Supreme Court of Virginia conducted a study of 1,100 randomly selected Virginia residents concerning their attitudes about the Virginia court system. In a telephone survey in October, respondents were asked to evaluate their experience with the Virginia court system. All respondents were asked general questions about Virginia courts. Respondents who had experience with the courts within the past five years were also asked about that experience. This chapter summarizes findings from several sections of the survey. The full survey report will be available for dissemination later in 2008.

[T]he Supreme Court of Virginia conducted a study of 1,100 randomly selected Virginia residents concerning their attitudes about the Virginia court system.

Trust in the Virginia Courts

The questionnaire started with a general question about the respondent's trust in Virginia courts. About two-thirds (68%) of Virginia residents surveyed trust Virginia's courts "some" or "a lot". The study found that men are more likely to trust the courts "a lot" than women. For comparative purposes, residents were also asked about their trust in other branches of government and in various non-governmental groups. The greatest percentage of respondents (86%) indicated that they trust medical professionals while only 47% said that they trust the media. (See Table 1 on the next page.)

Recent Experience with Courts

Out of the 1,100 residents surveyed, 600 had no prior experience with the court system while 500 had experience with the court system within the last 5 years. About one-quarter (27%) of those with experience interacted only with the clerk's office, while one-third appeared in a courtroom before a judge. Approximately 38% of respondents had experience in the clerk's office and in the courtroom.

Table 1
How much do you trust Virginia Courts?

	All Respondents (n=1,100)	Experience With the Courts?		Gender		Ethnicity	
		Yes	No	Male	Female	White	African-Americans
A Lot	28%	30%	26%	32%	25%	31%	14%
Some	40%	35%	44%	33%	44%	39%	46%
A Little	15%	18%	12%	15%	15%	14%	19%
Don't Trust At All	11%	13%	10%	13%	10%	10%	17%
Don't Know/Not Sure	6%	3%	9%	6%	6%	5%	5%
Refused	1%	1%	1%	1%	0%	1%	0%

Demographic Information

Among the 1,100 respondents:

500 had recent experience with the courts;
466 (42%) were male and 634 (58%) were female;
78% identified their race as white, 13% as African-American; and
the average (mean) age was 51.0, up from 43.5 in the 1992 survey.

Image and Perception of the Courts

[R]espondents were most likely to say that the statement "Court personnel are courteous" describes Virginia courts extremely or very well.

Two-thirds of residents surveyed have confidence that people are treated fairly in front of Virginia's courts and about three-quarters (74%) have confidence that everyone is treated with respect. When asked to react to several statements, respondents were most likely (52%) to say that the statement "Court personnel are courteous" describes Virginia courts extremely or very well. On the other hand, only 28% of respondents agreed that "Court cases are resolved in a reasonable amount of time."

More than two-thirds (71%) of respondents perceive "The Wealthy" as receiving the best treatment in the courts and over half (56%) perceive "The Poor" as receiving somewhat worse or much worse treatment than other groups in a courtroom. Similarly, 39% of the respondents felt that "Non-English Speakers" get somewhat or much worse treatment from the

Table 2
What sort of treatment do you think the following groups of people receive in Virginia courts compared to other groups? All respondents (n=1,100)

	People Like You	Men	Women	African-Americans	Hispanics	Non-English Speakers	The Poor	The Wealthy
Much Better Treatment	4%	8%	6%	4%	4%	5%	2%	44%
Somewhat Better Treatment	17%	21%	19%	10%	10%	11%	6%	27%
Same Treatment	51%	50%	52%	43%	40%	34%	31%	22%
Somewhat Worse Treatment	13%	11%	14%	26%	26%	29%	36%	2%
Much Worse Treatment	7%	4%	3%	11%	9%	10%	20%	1%
Don't Know/ Not Sure	7%	6%	6%	6%	10%	11%	5%	4%
Refused	1%	1%	1%	1%	1%	1%	0%	1%

Virginia courts than other groups of people; 37% felt the same for "African Americans"; and 35% for "Hispanics."

Type of Courtroom Experience

Respondents who had experience in a courtroom consisted of "Defendants" (23%) followed by "Visitors or Observers" (14%), "Witnesses" (12%), "Jurors" (11%), "Justice System Employees" (11%), "Plaintiffs or Persons Bringing a Lawsuit" (10%) and "Victims" (10%). The remainder were there for some other reason. One-third of experienced respondents were involved in a criminal case, about one-third (31%) in a traffic case, and the remaining third in civil and other cases. Compared to past surveys, the percentage of respondents involved in criminal cases has increased over time.

Among 322 respondents with courtroom experience, approximately 25% waited 30 minutes or less for their cases to be called. Another 25% reported waiting between 30 minutes and one hour and 25% said they waited between one and two hours. Significantly, 75% of these 322 respondents felt that the length of their wait was "Somewhat" or "Very" reasonable given the number of cases heard during that time and the overall busyness of the courthouse that day.

Seventy-five percent of the 322 respondents with recent courtroom experience felt that the length of time they waited for their cases to be called was "Somewhat" or "Very" reasonable.

The survey also asked respondents to indicate their overall satisfaction with the time required to resolve the case(s) in which they were involved, whether they were actual parties to a case or had some other connection. Focusing on the three categories of respondents who were likely to have the highest interest in their cases – plaintiffs, defendants, and victims – 78% were somewhat or very satisfied with the time required. Victims were the most likely respondents to indicate dissatisfaction.

Clerk's Office:

More than two-thirds (70%) of those who went to the clerk's office thought it was easy to find. More than four-fifths (81%) had to wait less than ten minutes, and three-quarters thought that the time they waited was reasonable. Most people who went to the clerk's office were quite satisfied with their experience, reporting that the staff was helpful, and the information provided was accurate. When asked to specify the issue that needs the most improvement, most respondents identified parking. Other areas identified for improvement were: more clerks and judges to make case processing more timely, more and better signs to direct court users, access to more general information online, and more security in the courthouse.

Most people who went to the clerk's office were quite satisfied with their experience, reporting that the staff was helpful, and the information provided was accurate.

Chapter 5

Magistrate Study Group Summary

In 2006, the General Assembly directed the Executive Secretary of the Supreme Court of Virginia to submit a report to the Chairmen of the House Appropriations and Senate Finance Committees regarding the selection, training, oversight, accountability, and scheduling of magistrates, and the use of videoconferencing technology. Appropriations Act - Item 30 (G) (Special Session I, 2006).

In response, Chief Justice Leroy R. Hassell, Sr., established the Magistrate Study Group to undertake a comprehensive evaluation of the Virginia magistrate system. The Honorable Thomas S. Shadrick, Chief Judge, Second Judicial Circuit, was appointed to chair the Study Group.

Chief Justice Leroy R. Hassell, Sr., established the Magistrate Study Group to undertake a comprehensive evaluation of the Virginia magistrate system.

The Magistrate Study Group began its work on January 30, 2007. Study Group members were assigned to one or more of the following subcommittees: Selection, Qualifications, Supervision, and Compensation Subcommittee, Chair - the Honorable C. Randall Lowe, Chief Judge, Twenty-eighth Judicial Circuit; Training, On-Going Certification, and OES Support Subcommittee, Chair - the Honorable Michael P. McWeeny, Chief Judge, Nineteenth Judicial Circuit; Staffing, Workload Analysis, and Use of Technology Subcommittee, Chair - the Honorable Gary A. Hicks, Chief Judge, Fourteenth Judicial Circuit; and Scheduling Subcommittee, Chair - the Honorable Aundria Deloris Foster, Judge, Seventh Judicial Circuit. After more than 40 meetings, the Study Group presented its findings and recommendations to the Chief Justice and the Executive Secretary of the Supreme Court of Virginia.

The Justices of the Supreme Court reviewed the Magistrate Study Group's recommendations. The Supreme Court of Virginia presented its assessment of the magistrate system, as well as its recommendations to improve the services the magistrate system provides to the people of the Commonwealth of Virginia, in a report to the General Assembly in December 2007.

A summary of the recommendations presented to the General Assembly appears below:

1. Section 19.2-35 of the Code of Virginia should be amended to transfer supervisory authority over magistrates from the chief circuit court judges to the Executive Secretary.

2. Sections 19.2-35 and 19.2-44 of the Code of Virginia should be modified to provide magistrates with regional authority to make the most efficient use of technology and personnel resources.

3. Section 19.2-43 of the Code of Virginia should be amended to provide the Executive Secretary with authority to appoint personnel needed to manage and administer the realigned magistrate system.

4. Section 19.2-38 of the Code of Virginia should be amended to eliminate four-year terms of office for magistrates.

5. A standardized process should be developed and implemented for receiving and responding to complaints from users of magistrate services and the public.

6. Sections 19.2-35 and 19.2-38 should be amended to transfer the power to select, appoint and terminate magistrates from the chief circuit court judges to the Executive Secretary.

7. Sections 19.2-36, 19.2-37 and 19.2-38.1 of the Code of Virginia should be amended to enhance the qualifications required for magistrates and chief magistrates by: a) requiring a minimum educational requirement of a bachelor's degree for magistrates and discontinuing "equivalent experience" as an alternative to this educational requirement; and b) requiring that any new chief magistrate be a member in good standing of the Virginia State Bar.

8. Application of the enhanced educational requirement to incumbent magistrates and chief magistrates who have not already earned a bachelor's degree should be delayed for ten years to allow the incumbent magistrates and chief magistrates to retain their positions while making satisfactory progress towards attaining a degree. The requirement that chief magistrates be members in good standing of the Virginia State Bar would not apply to incumbent chief magistrates.

9. Compensation should be increased to attract and retain qualified applicants for magistrate and chief magistrate positions.

10. The professional training provided by the Office of the Executive Secretary to magistrates should be expanded and the criteria for a magistrate to become certified should be uniformly applied.

11. Section 19.2-38.1 of the Code of Virginia should be amended to expand the magistrate probation period from six to nine months to allow for additional on-the-job training prior to the certification course.

12. All incumbent magistrates should be required to attend a mandatory training course and be re-certified by January 1, 2010. To maintain certification, magistrates should be required to complete a minimum of 24 hours of continuing legal education (CLE) every two years and have satisfactory annual performance evaluations.

13. The Office of the Executive Secretary should provide a mandatory management training program exclusively designed for chief magistrates, who should receive this training within one month of appointment.

14. Section 19.2-37 of the Code of Virginia should be amended to extend the familial relationships that would prohibit a person from serving as a magistrate and to restrict the outside employment in which a magistrate can engage.

15. The Office of the Executive Secretary will promulgate Rules of Professional Conduct for magistrates and such rules will be approved by the Supreme Court.

16. The Office of the Executive Secretary should discontinue the use of on-call magistrates.

17. The Office of the Executive Secretary should transition to the exclusive use of full-time magistrates by replacing part-time magistrates with full-time magistrates.

18. Magistrate staffing should be increased by 20 FTE magistrate positions.

19. Magistrate schedules should be standardized and formalized, so as to be predictable, regular, efficient and fair. To accomplish this, magistrate schedules should be based upon a 40-hour workweek and, generally, eight-hour shifts.

20. The Office of the Executive Secretary should provide magistrates, on a statewide basis, with up-to-date videoconferencing technology that is compatible and easy to use.

21. The Office of the Executive Secretary should provide 24-hour, seven day a week technology support by adding to the staff supporting the magistrate system.

Magistrate Study Group Subcommittees & Chairs

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Chief Judge, 2nd Judicial Circuit

Selection, Qualifications, Supervision, and Compensation Subcommittee

Chair
The Honorable C. Randall Lowe
Chief Judge, 28th Judicial Circuit

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Chapter 6

Drug Treatment Court Programs

Drug treatment courts are specialized court dockets designed to respond to increasing numbers of drug-related court cases. Drug treatment courts focus on what may be considered the root cause of drug-related crime, the drug habit or addiction, through the coordinated efforts of prosecutors, defense counsel, probation officers, law enforcement officers, substance abuse treatment providers, mental health clinicians, and social services staff, to address participants' conduct. These dockets provide an effective alternative to short-term incarceration for certain offenders. Drug treatment court participants may be ordered to undergo substance abuse treatment, mental health treatment, drug testing, and intensive supervised probation – all in lieu of incarceration or detention – while appearing regularly before a judge for status hearings.

With the adoption of the Drug Treatment Court Act (§ 18.2-254.1), in 2004, the 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. The Act includes an expression of the General Assembly's commitment to enhance public safety by facilitating the creation of drug treatment court programs as a means to fulfill this need.

The five specific goals outlined by the Act for 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 criminal justice system and community agencies. The Drug Treatment Court Act directs the Supreme Court of Virginia to provide administrative oversight for drug treatment courts, including distribution of funds, technical assistance to local courts, training, and program evaluation. Va. Code § 18.2-254.1.

The goals of Virginia's drug treatment court programs 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.

The Drug Treatment Court Act also establishes 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 Committee's responsibilities include recommending standards for the planning and implementation of drug treatment court programs, assisting with program evaluation, and encouraging interagency cooperation. The Act also directs the formation of local drug treatment court advisory committees to establish local eligibility and participation criteria, as well as operational policies and procedures. The Act further directs that each participant contribute to the cost of the substance abuse treatment he receives while participating in a drug treatment court pursuant to guidelines developed by the drug treatment court advisory committee.

The specific design and structure of Virginia's drug treatment court programs are often a function of local input and resources and reflect the unique strengths, circumstances, capacities and challenges of each local community.

Drug Treatment Court Models

Virginia currently has 28 operational drug treatment courts[1] utilizing four different models: adult, juvenile, family, and DUI drug treatment courts. There are 16 adult courts, eight juvenile courts, three family courts, and one DUI court in Virginia. A list of each of these drug treatment courts is provided in the chart titled "Review of Virginia Drug Treatment Court (DTC) Programs" at the end of this chapter. The specific design and structure of Virginia's drug treatment court programs are often a function of local input and resources and reflect the unique strengths, circumstances, capacities and challenges of each local community. Nonetheless, all drug treatment courts, including those operating in Virginia, employ the following core strategies:

- Integration of alcohol and other drug treatment services with justice system case processing;
- Use of a non-adversarial approach in which the prosecutor and defense counsel promote public safety while protecting participants' due process rights;
- Early identification of eligible participants and prompt placement in the drug treatment court program;
- Provision of a continuum of treatment and rehabilitation services related to substance abuse;
- Frequent alcohol and other drug testing;
- Use of a coordinated strategy to guide drug treatment court responses to participants' compliance;
- Ongoing judicial interaction with each drug treatment court participant;
- Monitoring and evaluation to measure the achievement of program goals and to gauge program effectiveness;

[1]While a total of 29 drug treatment courts have been implemented in Virginia, currently only 28 are operating. The City of Richmond's family drug treatment court closed effective July 1, 2007. Three courts await approval by the General Assembly, including a DUI drug treatment court in Chesterfield County, a juvenile drug treatment court in Franklin County, and an adult drug treatment court in Tazewell County.

- Continuing interdisciplinary education to promote effective drug treatment court planning, implementation and operations; and
- Forging partnerships between drug treatment courts and public agencies and community-based organizations to generate local support and increase the effectiveness of the drug treatment court program.

Activity During 2006-2007

In the past year, work continued on the statewide evaluation model developed by OES with the assistance of the State Drug Treatment Court Advisory Committee. This evaluation model is predicated on acquiring a detailed understanding of how existing drug treatment court programs function and developing an information technology system to support ongoing evaluation. Building a statewide system for evaluating local drug treatment court programs has been undertaken by OES in three stages: (i) development of an information technology system, including an extensive database for collecting case and program-specific, outcome-based data for analysis; (ii) completion of a preliminary research study on drug treatment court program operations; and (iii) ongoing evaluations of the effectiveness and efficiency of the programs by collecting and analyzing case and program-specific data. The first two phases were completed in 2007. As a result, OES is now poised to undertake the third phase of system development in 2008, the collection and analysis of case and program-specific data for evaluating the effectiveness and efficiency of Virginia's 28 drug treatment court programs.

In 2007, OES implemented an electronic web-based information technology system, including an extensive database, to support statewide drug treatment court evaluation and case management.

In 2006, OES began developing an electronic web-based information technology system, including an extensive database, to support statewide drug treatment court evaluation and case management. The goals of the technology system initiative included:

- Creating a standardized data collection mechanism for local drug treatment court programs;
- Supporting the collection of case management information for local staff;
- Establishing a database of information to support ongoing evaluations of processes and outcomes of local and statewide drug treatment courts;
- Developing a list of terms and definitions to be used in the database to evaluate particular aspects of the performance of drug treatment courts; and
- Increasing capacity to provide timely workload and other statistical reports for local and state decision-makers.

The web-based information technology system was implemented in 2007. Since then, OES technology staff has worked with Transformation Systems, Inc., (TSI) consultants to make the database an effective tool for compiling and

retrieving information to be used in evaluating the effectiveness and efficiency of Virginia's drug treatment courts.

OES contracted with TSI to conduct surveys, site visits and interviews in order to collect data on drug treatment court operations in Virginia in 2007. The wide range of data collected by TSI on drug treatment court programs provided the basis for (i) making preliminary findings on the functioning of the courts; and (ii) developing case-specific and program-specific evaluation criteria to be captured and stored in the database.

The Office of the Executive Secretary will use the electronic web-based information technology system completed in 2007 in conjunction with the information collected by TSI to complete a more detailed, conclusive and outcome-based statewide evaluation of all 28 drug treatment courts in Virginia. This evaluation will enable OES to assess the performance of Virginia's drug treatment courts in relation to the specific goals outlined by the General Assembly in the Drug Treatment Court Act.

OES contracted with Transformation Systems, Inc., to conduct surveys, site visits and interviews in order to collect data on drug treatment court operations in Virginia in 2007.

Review of Virginia Drug Treatment Court (DTC) Programs
Operational Programs
July 2007

Locality	Court	Court Type	Operational Date
Roanoke City Salem City Roanoke County	Circuit	Adult felony (1)	September 1995
Charlottesville Albemarle County	Circuit	Adult felony (2) Family (3)	July 1997 July 2002
Richmond City	Circuit, J&DR	Adult felony (4) Juvenile (5)	March 1998 July 1999
Rappahannock Area Programs: Fredericksburg Spotsylvania County	Circuit, J&DR,	Adult felony (6) Juvenile (7)	October 1998 November 1998
Fredericksburg Area Programs: Fredericksburg Spotsylvania County Stafford County King George County	Gen. District	DUI (8)	May 1999
Norfolk	Circuit	Adult felony (9)	November 1998
Newport News	Circuit, J&DR J&DR	Adult felony (10) Juvenile (11) Family (12)	November 1998 March 2002 July 2006
Chesterfield County Colonial Heights	Circuit, J&DR	Adult felony (13) Juvenile (14)	September 2000 January 2003
Portsmouth	Circuit	Adult felony (15)	January 2001
Alexandria	J&DR	Family (16)	September 2001
Staunton	Circuit	Adult felony (17)	July 2002
Hopewell, Prince George County	Circuit	Adult felony (18)	September 2002
Lee/Scott/Wise County	J&DR	Juvenile (19)	September 2002
Henrico County	Circuit	Adult felony (20)	January 2003
Hampton	Circuit	Adult felony (21)	February 2003
Hanover County	J&DR	Juvenile (22)	May 2003
Fairfax County	J&DR	Juvenile (23)	May 2003
Suffolk	Circuit	Adult felony (24)	May 2004
Prince William County	J&DR	Juvenile (25)	May 2004
Loudoun County	Circuit	Adult felony (26)	May 2004
Tazewell County (pilot)	Circuit	Adult felony (27)	February 2005
Chesapeake	Circuit	Adult felony (28)	August 2005

Review of Virginia Drug Treatment Court Programs
Programs with Applications for Permission to Establish pending

Locality	Court	Type of Program
Chesterfield County	General District	DUI Drug Court Program
Franklin County	J&DR	Juvenile
Tazewell County	Circuit	Adult Felony

Review of Virginia Drug Treatment Court Programs
Programs reported in the Planning Phase

Locality	Court	Type of Program
Augusta County	General District	DUI Drug Court Program
Staunton	General District	DUI Drug Court Program
Waynesboro	General District	DUI Drug Court Program
Smyth County	Circuit	Adult Felony
Hanover County	Circuit	Adult Felony

Chapter 7

Update on the Implementation of the Judicial Performance Evaluation Program

INTRODUCTION

In January 2005, the Supreme Court of Virginia approved the establishment of a permanent Judicial Performance Evaluation (JPE) Program. Effective July 1, 2005, the General Assembly authorized funding for the statewide implementation of the program. The program has two principal aims. One is to provide judges with feedback concerning their job performance to encourage and facilitate their professional self-improvement. The other is to provide the Chairs of the House and Senate Committees for Courts of Justice of the Virginia General Assembly with evaluations of judges being considered for reelection. Pursuant to § 17.1-100 of the Code of Virginia, all district and circuit court judges are to be evaluated. All judges have the right to one self-improvement evaluation before results of a later evaluation will be sent to the General Assembly for reelection purposes. The evaluations began in July 2006.

A judge's evaluation date is determined based on the date his or her term begins. The frequency of evaluation is different for circuit and district judges. A circuit court judge in her first term will be evaluated three times: in the second, fifth, and eighth (or last) year of her term. The end-of-term evaluation will be provided to the General Assembly as directed by statute. In second and subsequent terms, a judge will be evaluated only in her fifth and eighth years, again with the end-of-term evaluation being sent to the General Assembly. A district court judge in his first term will be evaluated in his second, fourth, and sixth years, with the last evaluation going to the General Assembly. In second and subsequent terms, the judge will be evaluated only in the fourth and sixth years of his term, again with the results of the last evaluation going to the General Assembly.

The Judicial Performance Evaluation Commission determines JPE policy and oversees the management of the program. The Commission, a nine-member body chaired by the Honorable Barbara M. Keenan, Justice of the Supreme Court of Virginia, convenes semi-annually and is committed to maintaining the integrity and effectiveness of the Program.

The Judicial Performance Evaluation Program has two principal aims. One is to provide judges with feedback concerning their job performance to encourage and facilitate their professional self-improvement. The other is to provide [members of the General Assembly] with evaluations of judges being considered for reelection.

The Commission contracted with Virginia Commonwealth University's Survey and Evaluation Research Laboratory (SERL) to conduct and compile the surveys. SERL uses the survey responses to generate the confidential evaluations of judges. All SERL employees are contractually bound to keep all judicial evaluations, including survey responses and related information, confidential. The only disclosures authorized are for evaluations sent to evaluated judges, assigned facilitator judges, and end-of-term evaluations sent to the General Assembly.

THE EVALUATION PROCESS

With the assistance of the relevant clerk's office, the JPE Program collects the names of all attorneys who have appeared before a judge who is scheduled to be evaluated. For district court judges, those attorneys who appeared before the judge in the previous twelve months are included, while those who appeared before the judge in the prior three years are included for circuit court judges. SERL sends these attorneys a survey based on the principles set forth in the Canons of Judicial Conduct for the Commonwealth of Virginia. All responses are returned directly to SERL.

The Department of Judicial Information Technology at the Office of the Executive Secretary recently designed an automated process that makes the collection of attorney names and bar numbers more efficient and accurate.

Once the surveys have been returned and compiled, SERL completes a report that includes all written comments that attorneys included as part of their survey response. The first evaluation report for a judge is for self-improvement and is sent only to the evaluated judge and a facilitator (retired) judge. The facilitator judge will have observed the evaluated judge in his or her courtroom and will also have completed an evaluation survey. The facilitator judge meets with the evaluated judge to discuss the survey results. End-of-term evaluations are provided to the evaluated judge, the facilitator judge, and the General Assembly. The responses to the surveys are confidential. Results will be shared only in aggregate form with the JPE Commission.

A recent change by the Department of Judicial Information Technology (DJIT) at the Office of the Executive Secretary will make the process of collecting attorney names more efficient and accurate. DJIT designed an automated process for collecting the names and bar numbers of the attorneys who have appeared before the judges being evaluated. This process will enable the JPE Program to download the name of every attorney who has appeared before a judge who is to be evaluated, eliminating the need for the JPE staff to collect the data manually from the clerks.

Beginning in February 2008, jurors will be asked to complete specially designed surveys for circuit judges. Also, court services unit staff and Department of Social Services staff appearing before juvenile and domestic relations district court judges will be asked to complete surveys.

SERL reports that, as of December 2007, 41 evaluations have been completed and 70 are in process. Further, 28 evaluations will begin on December 20, 2007. A total of 122 evaluations will be conducted in 2008. Seven evaluations will be sent to the General Assembly for the 2009 Session. SERL reports an 82% survey response rate from attorneys who received a survey.

Chapter 8

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

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. The Judicial Council took no action on proposed rule changes in 2007.

Chapter 8

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND ADOPTED IN 2006 BY THE SUPREME COURT OF VIRGINIA, BECOMING EFFECTIVE IN 2007

Rule 1:2 Venue in Criminal Cases (Repealed; replaced in Part 3A as Rule 3A:2.1)

Rule 3.2 Commencement of Civil Actions

Rule 3.21 Jury Trial of Right

Rule 3.22 Trial by Jury or by the Court

Judicial Council of *Virginia*

Proposed Legislation

2007

REQUEST FOR NEW JUDGESHIPS IN THE TENTH, FOURTEENTH, FIFTEENTH, TWENTY-SIXTH, TWENTY-SEVENTH, AND THIRTIETH JUDICIAL CIRCUITS

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 - 5
Fourth - 9
Fifth - 3
Sixth - 2
Seventh - 5
Eighth - 4
Ninth - 4
Tenth - ~~3~~ 4
Eleventh - 3
Twelfth - 5
Thirteenth - 8
Fourteenth - ~~5~~ 6
Fifteenth - ~~8~~ 9
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~~ 6
Twenty-seventh - ~~5~~ 6
Twenty-eighth - 3
Twenty-ninth - 4
Thirtieth - ~~3~~ 4
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.

PROPOSAL TO INCREASE THE RETIREMENT AGE FOR JUDGES

A BILL to amend and reenact § 51.1-305 of the Code of Virginia, relating to mandatory retirement for judges.

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-305 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-305. Service retirement generally.

A. Normal retirement. - Any member in service at his normal retirement date with five or more years of creditable service may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B. Early retirement. - Any member in service who has either (i) attained his fifty-fifth birthday with five or more years of creditable service or (ii) in the case of a member of any of the previous systems immediately prior to July 1, 1970, complied with the requirements for retirement set forth under the provisions of such previous system as in effect immediately prior to July 1, 1970, may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B1. Mandatory retirement. - Any member who attains 70 years of age <u>prior to July 1, 2008,</u> shall be retired 20 days after the convening of the next regular session of the General Assembly. However, if the mandatory retirement provisions of this subdivision would require a member of the State Corporation Commission to be retired before the end of his elected term and such retirement would occur during a session of the General Assembly in which the General Assembly is required, pursuant to § 12.1-6, to elect another member or members of the State Corporation Commission to serve either a regular term or a portion of a regular term, such member who otherwise would be subject to the mandatory retirement provisions of this subdivision shall be retired upon the first to occur of (i) the expiration of the term to which he was elected or (ii) 20 days after the commencing of the regular session of the General Assembly that immediately follows the date such member attains 72 years of age. The provisions of this subsection shall apply only to those members who are elected or appointed to an original or subsequent term commencing after July 1, 1993.

<u>B2. Any member who attains 75 years of age on or after July 1, 2008, shall be retired 20 days after the convening of the next regular session of the General Assembly.</u>

C. Deferred retirement for members terminating service. - Any member who terminates service after five or more years of creditable service may retire under the provisions of subsection A or B of this section, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply. No member shall be entitled to the benefits of this subsection if his appointing authority certifies that his service was terminated because of dishonesty, malfeasance, or misfeasance in office. The certification may be appealed to the Board.

D. Effective date of retirement. - The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

E. Notification of retirement. - In addition to the notice to the Board required by this section, the same notice shall be given by the member to his appointing authority. If a member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification to the Board on his behalf.

PROPOSAL TO GRANT THE APPELLATE COURT THE OPTION OF REMANDING A CASE IN LIEU OF SETTING BAIL WHEN OVERRULING A CIRCUIT COURT'S DECISION TO DENY BAIL

A BILL to amend and reenact § 19.2-319 of the Code of Virginia, relating to remand by appellate court of an appeal of bail.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-319 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-319. When execution of sentence to be suspended; bail; appeal from denial.

If a person sentenced by a circuit court to death or confinement in the state correctional facility indicates an intention to apply for a writ of error, the circuit court shall postpone the execution of such sentence for such time as it may deem proper.

In any other criminal case wherein judgment is given by any court to which a writ of error lies, and in any case of judgment for any civil or criminal contempt, from which an appeal may be taken or to which a writ of error lies, the court giving such judgment may postpone the execution thereof for such time and on such terms as it deems proper.

In any case after conviction if the sentence, or the execution thereof, is suspended in accordance with this section, or for any other cause, the court, or the judge thereof, may, and in any case of a misdemeanor shall, set bail in such penalty and for appearance at such time as the nature of the case may require; provided that, if the conviction was for a violent felony as defined in § 19.2-297.1 and the defendant was sentenced to serve a period of incarceration not subject to suspension, then the court shall presume, subject to rebuttal, that no condition or combination of conditions of bail will reasonably assure the appearance of the convicted person or the safety of the public.

In any case in which the court denies bail, the reason for such denial shall be stated on the record of the case. A writ of error from the Court of Appeals shall lie to any such judgment refusing bail or requiring excessive bail, except that in any case where a person has been sentenced to death, a writ of error shall lie from the Supreme Court. Upon review by the Court of Appeals or the Supreme Court, if the decision by the trial court to deny bail is overruled, the appellate court shall <u>either</u> set bail or <u>remand the matter to circuit court for such further action regarding bail as the appellate court directs.</u>

PROPOSAL TO CLARIFY CONCURRENT JURISDICTION BETWEEN JUVENILE AND CIRCUIT COURTS FOR PARENTAGE PROCEEDINGS

A BILL to amend and reenact § 16.1-241 of the Code of Virginia, relating to jurisdiction in parentage proceedings.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-241 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244; and

6. Who is charged with a traffic infraction as defined in § 46.2-100.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 14 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines

to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with mental retardation in accordance with the provisions of Chapters 1 (§ 37.2-100 et seq.) and 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H hereof, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4 of this section; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or 16.1-279.1.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. <u>In such cases original jurisdiction shall be concurrent with the circuit courts pursuant to § 20-49.2.</u>

R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (i) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful, and (ii) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents

to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion; or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

W. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) of this chapter relating to standby guardians for minor children.

X. Petitions filed pursuant to § 18.2-370.5 for an order allowing the petitioner to enter and be present on school or child day center property. In such cases jurisdiction shall be concurrent with and not exclusive of circuit courts.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision 3 of subsection A, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M or R of this section.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection V shall be guilty of a Class 3 misdemeanor.

PROPOSAL TO PRESCRIBE HOW TO WITHDRAW A CIVIL APPEAL TAKEN FROM DISTRICT COURT TO CIRCUIT COURT

A BILL to amend and reenact §§ 16.1-107 and 16.1-298 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-106.1, relating to withdrawal of appeals from general district courts or juvenile and domestic relations district courts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-107 and 16.1-298 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-106.1 as follows:

§ 16.1-106.1. Withdrawal of appeal in civil cases.

A. A party who has appealed a final judgment or order rendered by a general district court or a juvenile and domestic relations district court in a civil case may seek to withdraw that appeal at any time.

1. If the appeal has not been perfected by posting a required appeal bond or paying required costs, or within 10 days after entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, the appeal may be withdrawn by filing in the district court that entered the judgment or order and serving, in person or by first-class mail, on all parties or their counsel a written notice of intent to withdraw the appeal. When the appeal is withdrawn in the district court, the judgment or order of the district court shall have the same effect as if no appeal had been noted.

2. After the appeal is perfected by posting a required appeal bond or paying required costs, or after 10 days have elapsed since the entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, an appealing party may request that the appeal be withdrawn by filing in the circuit court and serving, in person or by first-class mail, on all parties or their counsel a written notice of intent to withdraw the appeal.

B. Upon receipt of a notice of intent to withdraw an appeal filed in the circuit court, any party to the appeal, or the circuit court on its own motion, may give notice of a hearing, which shall be scheduled no later than the date set by the circuit court for trial of the appeal. Unless the hearing is scheduled at the time previously set for trial of the appeal, notice of the hearing shall be given, in person or by first-class mail, to all parties or their counsel, any non-party who has posted an appeal bond, and, when appropriate, the Department of Social Services, Division of Child Support Enforcement.

C. At the hearing, the circuit court shall determine whether any party objects to the proposed withdrawal. A party may object to the withdrawal of an appeal by filing in the circuit court and serving, in person or by first-class mail, on all parties or their counsel a written notice of objection to withdrawal of the appeal. If such a written objection is filed and served within a reasonable period after service of the notice of intent to withdraw the appeal, the appeal shall not be withdrawn and the case shall proceed in the circuit court. If no such written objection is timely filed, the appeal shall be deemed to be withdrawn and, subject to subsections E and F, the circuit court shall enter an order disposing of the case in accordance with the judgment or order entered in the district court.

D. If a party who has appealed a judgment or order of a district court fails to appear in circuit court either at the time for setting the appeal for trial or on the trial date, the circuit court may, upon the motion of any party, enter an order treating the appeal as withdrawn and disposing of the case in accordance with this section. If no party appears for trial, the court may deem the appeal to be withdrawn without a motion and enter an order disposing of the case in accordance with this section.

E. Upon the withdrawal of an appeal from a general district court, the circuit court shall, upon request of a party who did not appeal the judgment or order, determine whether, as a result of the appeal, a party has a

right to additional relief in the circuit court which has accrued since the appeal was noted, including but not limited to attorneys' fees provided for by contract or statute. Subject to any rights of a surety pursuant to § 16.1-110, the circuit court shall also order its clerk to disburse any cash bond posted to perfect the appeal as follows:

1. First, to the clerk of the court to cover taxable costs in the circuit court as provided by statute;

2. Second, to the prevailing party in an amount sufficient to satisfy any judgment or order entered in the general district court and any additional relief granted by the circuit court; and

3. Third, the balance, if any, to the person who posted the bond in the general district court.

In addition, the circuit court shall enter such order as may be appropriate to conclude all matters arising out of the appeal from the general district court.

F. Upon the withdrawal of an appeal from a juvenile and domestic relations district court, the circuit court shall, upon request of a party who did not appeal the judgment or order, determine whether, as a result of the appeal, a party has a right to additional relief in the circuit court which has accrued since the appeal was noted, including but not limited to attorneys' fees provided for by contract or statute. Subject to any rights of a surety pursuant to § 16.1-110, the circuit court shall also order its clerk to disburse any cash bond posted to perfect the appeal as follows:

1. First, to the clerk of the court to cover taxable costs in the circuit court as provided by statute;

2. Second, to the prevailing party in an amount sufficient to satisfy any judgment or order entered in the juvenile and domestic relations district court and any additional relief granted by the circuit court; and

3. Third, the balance, if any, to the person who posted the bond in the juvenile and domestic relations district court.

In addition, the circuit court shall enter such order as may be appropriate to conclude all matters arising out of the petition or motion filed in the juvenile and domestic relations district court and the appeal in circuit court, consistent with the judgment or order entered in the juvenile and domestic relations district court, as modified by the grant of any additional relief by the circuit court pursuant to this subsection. Unless the circuit court orders that the case remain in the circuit court, the case shall be remanded to the juvenile and domestic relations district court for purposes of enforcement and future modification and shall be subject to all the requirements of § 16.1-297.

§ 16.1-107. Requirements for appeal.

No appeal shall be allowed unless and until the party applying for the same or someone for him shall give bond, in an amount and with sufficient surety approved by the judge or by his clerk if there is one, to abide by such judgment as may be rendered on appeal if such appeal is perfected, or if not so perfected or if withdrawn pursuant to § 16.1-106.1, then to satisfy the judgment of the court in which it was rendered. Such bond shall be posted within 30 days from the date of judgment, except for an appeal from the judgment of a general district court on an unlawful detainer pursuant to § 8.01-129. However, no appeal bond shall be required of a plaintiff in a civil case where the defendant has not asserted a counterclaim, the Commonwealth or when an appeal is proper to protect the estate of a decedent, an infant, a convict, or an insane person, or the interest of a county, city, town or transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2. In all civil cases, except trespass, ejectment or any action involving the recovering rents, no indigent person shall be required to post an appeal bond.

If such bond is furnished by or on behalf of any party against whom judgment has been rendered for money or property or both, the bond shall be conditioned for the performance and satisfaction of such judgment or order as may be entered against such party on appeal, and for the payment of all costs and damages which may be awarded against him in the appellate court. If the appeal is by a party against whom there is no recovery except for costs, the bond shall be conditioned for the payment of such costs and damages as may be awarded against him on the appeal.

In addition to the foregoing, any party applying for appeal shall, within 30 days from the date of the judgment, pay to the clerk of the court from which the appeal is taken the amount of the writ tax of the court to which the appeal is taken and costs as required by subdivision A 13 of § 17.1-275, including all fees for service of process of the notice of appeal in the circuit court pursuant to § 16.1-112.

§ 16.1-298. Effect of petition for or pendency of appeal; bail.

A. Except as provided herein, a petition for or the pendency of an appeal or writ of error shall not suspend any judgment, order or decree of the juvenile court nor operate to discharge any child concerned or involved in the case from the custody of the court or other person, institution or agency to which the child has been committed unless so ordered by the judge of the juvenile court, the judge of a circuit court or directed in a writ of supersedeas by the Court of Appeals or the Supreme Court or a judge or justice thereof.

B. The judgment, order or decree of the juvenile court shall be suspended upon a petition for or the pendency of an appeal or writ of error:

1. In cases of delinquency in which the final order of the juvenile court is pursuant to subdivision 8, 9, 10, 12, 14, or 15 of § 16.1-278.8.

2. In cases involving a child and any local ordinance.

3. In cases involving any person over the age of eighteen years.

Such suspension as is provided for in this subsection shall not apply to (i) an order for support of a spouse, parent or child or to a preliminary protective order issued pursuant to § 16.1-253, (ii) an order disposing of a motion to reconsider relating to participation in continuing programs pursuant to § 16.1-289.1, (iii) a protective order in cases of family abuse issued pursuant to § 16.1-279.1 or a protective order entered in conjunction with a disposition pursuant to §§ 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6 or § 16.1-278.8, or (iv) a protective order issued pursuant to § 19.2-152.10, or (v) an order pertaining to the custody, visitation, or placement of a minor child, unless so ordered by the judge of a circuit court or directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

C. In cases where the order of the juvenile court is suspended pursuant to subsection B hereof or by order of the juvenile court or the circuit court, bail may be required as provided for in § 16.1-135.

D. If an appeal to the circuit court is withdrawn in accordance with § 16.1-106.1, the judgment, order, or decree rendered by the juvenile court shall have the same legal effect as if no appeal had been noted, except as to the disposition of any bond in circuit court or as modified by the circuit court pursuant to subsection F of § 16.1-106.1. If an appeal is withdrawn, any court-appointed counsel or court-appointed guardian ad litem shall, absent further order of the court, be relieved of any further obligation respecting the matter for which they were appointed.

E. Except as to matters pending on the docket of a circuit court as of July 1, 2008, all orders that were entered by a juvenile and domestic relations district court prior to July 1, 2008, and appealed to a circuit court, where the appeal was withdrawn, shall have the same effect as if no appeal had been noted.

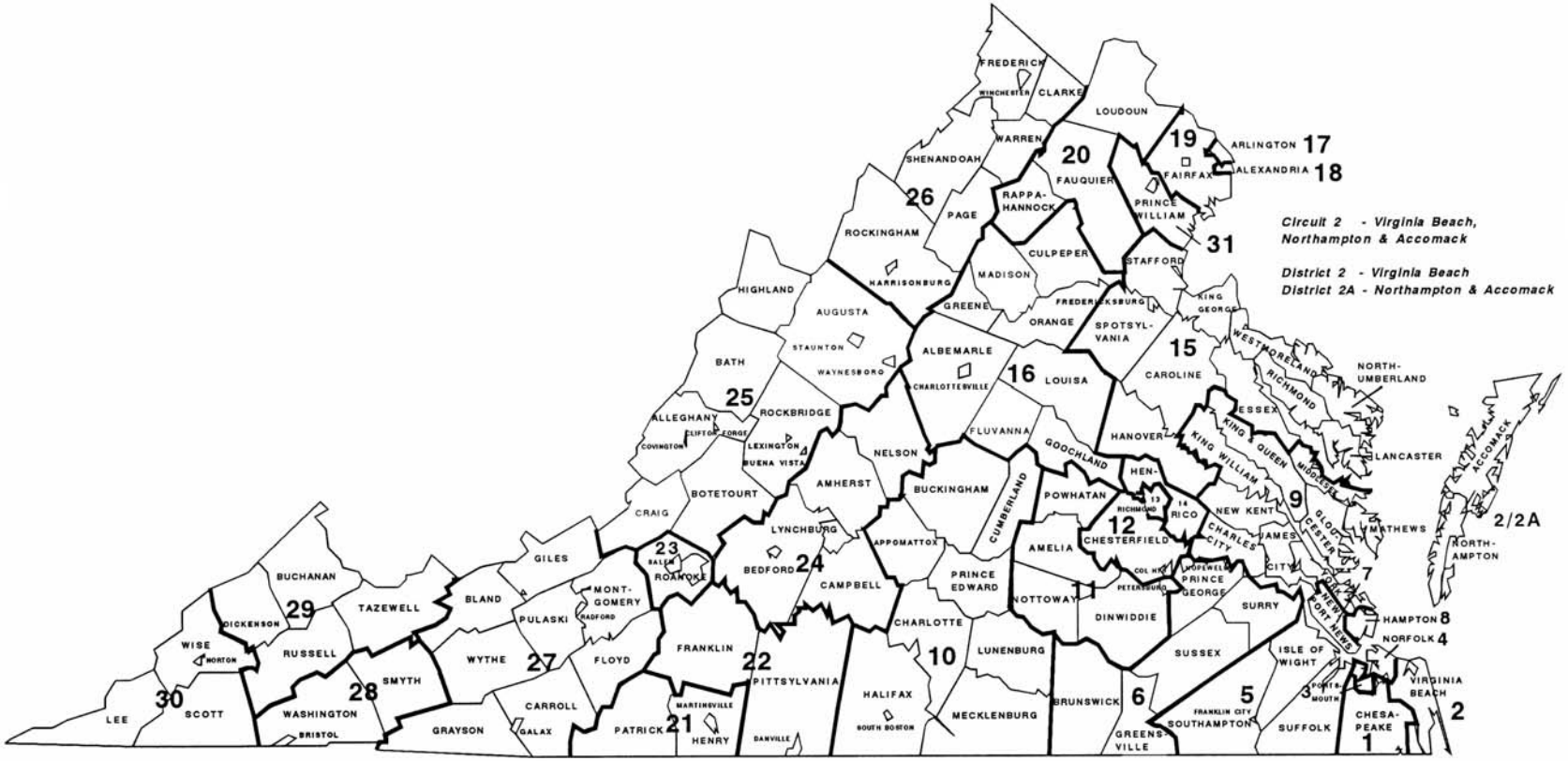
Judicial Council of

Virginia

Map of the Judicial Circuits and Districts

2007

Judicial Circuits and Districts of Virginia



Prepared in the Office of the Executive Secretary,
Supreme Court of Virginia - December 2007

Virginia Localities by Judicial Circuit/District

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

Note

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

Virginia Judicial Circuits and Districts

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