

Chesterfield Circuit Court
Docketing Procedures / Case Scheduling Information
and
Information for Attorneys Approved for Circuit Court Appointments

1. JUDGES' CHAMBERS: 804-748-1333

Judges: Frederick G. Rockwell, III
Steven C. McCallum
Lynn S. Brice
David E. Johnson
Edward A. Robbins, Jr. (Chief Judge)
Jayne A. Pemberton

Staff:

- Legal Assistant to Judges McCallum & Johnson - Beth Ball; BallB@chesterfield.gov
- Legal Assistant to Judges Rockwell & Robbins - Teresa Ryan; RyanT@chesterfield.gov
(also Assistant Judicial Administrator)
- Legal Assistant to Judges Brice & Pemberton - Tiffany White; WhiteTC@chesterfield.gov
- Legal Secretary – Trisha Quimby; QuimbyT@chesterfield.gov
- Judicial Administrator - Tricia Muller; MullerT@chesterfield.gov
- For Judges' Law Clerks (civil) - call 804-748-1333 and select the appropriate option.

2. CLERK: Wendy S. Hughes
PO Box 125, Chesterfield VA, 23832
804-748-1241; <https://www.chesterfield.gov/1127/Circuit-Court-Clerk>

3. SHERIFF: Karl S. Leonard
PO Box 940, Chesterfield, VA 23832
804-748-1261; <https://www.chesterfield.gov/765/Sheriffs-Office>

4. COMMISSIONER OF ACCOUNTS: Bryan K. Selz
PO Box 998, Chesterfield, VA 23832
804-796-4891; www.courts.state.va.us/courts/circuit/resources/coa/home.html

5. COMMONWEALTH'S ATTORNEY: Stacey T. Davenport
PO Box 25, Chesterfield, VA 23832
804-748-1221
<https://www.chesterfield.gov/1135/Commonwealths-Attorney>

6. LOCATIONS: Courtrooms 1, 2, 3, 4, 5 - 9500 Courthouse Road, 2nd Floor
Historic 1917 Courthouse - 10011 Iron Bridge Road

7. HOURS: 8 AM – 4:00 PM - Clerk's Office & Judges' Chambers public service hours
8 AM – 3:30 PM – Recording hours (Clerk's Office)

8. DOCKETING PROCEDURES: Start on page 3.

9. PRE-TRIAL DOCKET (9:00 AM): Courtroom changes daily; consult posted dockets. See page 6.

10. MOTIONS FOR REMOTE APPEARANCE: A written motion must be filed with the Clerk's Office. Use of the Court's template form is preferred to facilitate processing; however, at a minimum, motions must contain all information requested on the form. A copy is attached for reference.
11. *EX PARTE* MOTIONS IN CRIMINAL PROCEEDINGS: A written motion must be filed with the Clerk's Office. If a hearing is authorized, contact the Legal Assistant for scheduling. See below for information on criminal scheduling.
12. COURTROOM DISPLAY TECHNOLOGY: All courtrooms have one document camera and are equipped with audio/visual (A/V) screen-sharing display technology accessible via one of the following mechanisms:
 - a. HDMI cable.
 - b. "ClickShare" wireless presentation system. To access ClickShare in the courtroom, devices must have either HDMI cable connectivity or have downloaded the ClickShare app.
 - c. "Digitalinx Secure Adapter Ring (DL-AR)." The DL-AR allows a single HDMI cable to accommodate many, but not all, popular devices. One adapter ring is in each courtroom.

The Court does NOT provide computers, laptops, tablets, or any other device necessary for the presentation of digital evidence by parties. The Court is NOT responsible for ensuring connectivity of your device to the courtroom display technology; attorneys/parties shall be responsible for ensuring operation and compatibility of their equipment with courtroom display technology. Testing prior to trial date is encouraged; attorneys should utilize the attorney workroom before requesting use of a vacant courtroom (room #2141, main courthouse, second floor; see Sheriff's Office for access). Please note, court staff may not be able to accommodate short-notice requests for technical assistance with courtroom technology.
13. INFORMATION FOR ATTORNEYS APPROVED FOR COURT APPOINTMENT / ELECTRONIC VOUCHER PAYMENT SYSTEM: See Page 6.

Attachment:

- Motion for Remote Hearing form.

DOCKET CALL

It is strongly encouraged to pre-set both civil and criminal cases rather than waiting for docket call. All hearings must be scheduled in advance, except in emergency situations. Prior to setting the date, the attorney or *pro se* litigant should clear available dates with other attorneys or parties in the case.

- To set a case for trial in a civil matter, the attorney should call or email the assigned Judge's Legal Assistant.
- Criminal matters are pre-set in the Commonwealth's Attorney's Office by orders endorsed by defense counsel or *pro se* defendant. Matters shall be set within the same term or otherwise docketed for a hearing prior to the term ending.

If attorneys/parties do attend docket call to schedule a trial date, **criminal docket call** is held at 9:30 AM on the Tuesday following the 3rd Monday in January and the 3rd Monday in March, May, July, September, and November. **Civil docket call** is held on designated afternoons (2:00 PM J&DR appeals, 2:30 PM GD appeals and general civil) on the "duty" docket for the presiding judge's assigned cases. If attorneys or *pro se* parties in civil cases fail to appear for docket call, it may result in the dismissal of civil cases.

When setting a case for trial, the attorney should know the case number, style of case, and whether a jury is requested. Trial dates for civil cases may be set by either lawyer as long as they have good dates (or avoid dates) for the other side.

When scheduling civil cases by phone, email, or at docket call, a confirmation letter ("notice of hearing") must be mailed to all parties within 10 business days of scheduling, with a copy to the Court. The confirmation letter must state the trial date, time, and whether trial will be by jury or non-jury. Note, the Historic 1917 Courthouse may be used for some civil matters; please pay careful attention to the location of the hearing and expressly include that location in the notice of hearing.

In criminal cases not pre-set with the Commonwealth's Attorney, defense counsel and defendants out on bail must appear for docket call.

CIVIL SCHEDULING

- **Trials**: Cases should be set by telephone or email through the Legal Assistant, once mutually agreeable dates are obtained by counsel. Once the moving party sets the trial date, they must send a notice of trial to opposing counsel/party stating the trial date(s) and time, copying the Court. Because of the limited number of trial days, the Court sets several cases for trial each day. Experience has shown that many cases go off the docket before the trial date due to settlements or continuances. On the rare occasion that more than one case remains on the docket, the Court must then continue some cases.
- In any matters that require more than two hours or involve a *pro se* party, a pre-trial conference may be required.
- Matters in which the moving party has not issued service cannot be scheduled on the docket until service is complete and 21 days has passed, unless otherwise agreed upon by opposing counsel or provided by statute.
- Garnishments, civil restricted licenses (OLPs), restoration of firearms, concealed handgun permit (CHP) denial appeals and show causes, expungements, and celebrate rites of marriage will be set by the Clerk's Office on the presiding judge's duty docket at 8:30 AM or as designated by the

presiding judge. Emergency hearing requests, injunctions, petitions to stop a foreclosure, administrative appeals, appeals on denial to vote, interpleaders, and motions to reconsider will be set by the judge's legal assistant on the presiding judge's duty docket at 10:00 AM or as designated by the judge. Protective orders must be expedited and will be scheduled on any available docket.

- **All other civil motions:** Absent leave of Court, motions will be individually docketed. Motions are held on a first-come, first-served basis on the docket. These cases should also be set by telephone or email through the Legal Assistant, once mutually agreeable dates are obtained by counsel and the proper motion is filed with the Clerk's Office. All motions should inform the Court whether the moving party intends to present any testimony concerning that motion.
- Plaintiff will submit an agreed and fully endorsed pre-trial scheduling order within ten (10) calendar days of setting the trial date. All exhibits which a party intends to offer into evidence at trial during their case in chief must be filed with the Clerk not later than ten (10) days prior to trial. Additionally, in domestic cases involving support matters; income and expense worksheets, applicable guidelines worksheets and supporting documents must also be filed ten (10) days prior to trial.

CRIMINAL SCHEDULING

- **EVERY REQUEST MUST BE PROPERLY FILED AS A WRITTEN MOTION** through the Clerk's Office (attorney and *pro se*). Dates for hearings on motions must be obtained from the Commonwealth's Attorney's Office. For judicial consideration, an endorsed order setting the hearing must be submitted to the Clerk's Office with a copy of the motion attached.
- Attorneys requesting the appointment of a court reporter to transcribe the defendant's preliminary hearing must submit through the Clerk's Office a motion and an endorsed order, both detailing in which District Court the preliminary hearing is to be heard and the hearing date and time.
- Continuances will be granted in the Court's discretion for good cause shown (see continuance policy).
- For proper docket control, in the event of an agreed disposition by plea, the Court requires cases that are set for trial by judge be advanced on the docket for disposition. A written motion is required.

CONTINUANCE POLICY

Procedure to Continue a Trial Date:

1. **Notice.** All requests for continuances of a trial date must be made by written motion and in as far in advance of the trial date as possible. All requests must be properly filed through the Clerk's Office and properly noticed for a hearing. If a hearing is required, it will need to be scheduled based on the above requirements for civil and criminal matters.
 - The motion to continue the trial must fully state the good cause in support of the motion and must include the number of previous continuances.
2. **Good Cause.** Continuances will be granted in the Court's discretion for good cause shown. The following, by way of example, may not be considered as good cause:
 - All parties have agreed to the continuance.
 - This is the first continuance request.
 - The other party has been granted a continuance before.
 - The case is close to resolved or will be if a continuance is granted.
 - Counsel is unprepared for trial.

- After the trial is set a witness (subpoenaed or not) advises they are unavailable on that date. Counsel is expected to have witnesses' available dates prior to setting the trial.

3. Court Order.

Civil:

- In cases where a continuance of trial is granted, counsel shall prepare and submit an endorsed order at the hearing for the Continuance. The order shall state upon whose request the continuance is granted; the date from which the trial is being continued; the new trial date; and other such terms as the Court may require.

Criminal:

- In cases where a motion is filed, the Commonwealth's Attorney's Office will prepare a scheduling order and submit the motion and order to the Clerk's Office for judicial consideration. If the motion is denied, parties will be notified by the Commonwealth's Attorney's Office.

OTHER NOTES

Filings

Filings are accepted by the Clerk's Office via mail, courier, and hand-delivery only. At this time, the Court does not have e-filing capabilities. Unless operating under a declaration of judicial emergency pursuant to *Va. Code* § 17.1-330, the Court does not accept case-related filings via email or fax. The public service hours of both the Clerk's Office and Judges' Chambers are 8 AM – 4 PM.

- All orders, motions, notices, pleadings, exhibits, or any other type of case-related filing **must be filed in the Clerk's Office**. Effective December 1, 2015, all case-related filings are scanned into the Circuit Imaging System (CIS) for electronic access by authorized parties.
- No orders, motions, notices, pleadings, exhibits, or any other type of case-related filing will be accepted by the Judges' Chambers even on the day of the hearing. All case-related correspondence or documents sent or delivered directly to Judges will be re-directed to the Circuit Court Clerk's Office for proper filing with the case and may result in delays in processing.
- All orders submitted for entry must be original orders with original signatures unless operating under a declaration of judicial emergency pursuant to *Va. Code* § 17.1-330.
- As noted above, no fax or email filings are accepted by the Clerk's Office unless the Court is operating under a declaration of judicial emergency.
- If courtesy copies are directed to the Judges' Chambers, these will be accepted but need to be clearly marked as such. Marked copies delivered to the Judges' Chambers are not substitutions for proper filing in the Clerk's Office and **are not considered filed**.
- For all civil and criminal restricted operators' license requests, DMV transcripts should be filed in the Clerk's Office with the petition or motion.

Technology-Related

- For requests to duplicate sealed digital evidence/records to include subpoena returns, DVD, CD, thumb- or flash-drive, or other form of digital storage device, a written motion must be filed in the Clerk's Office for judicial consideration. A Clerk's fee may apply for duplication supplies and services.
- Motions for remote appearance. See page 1.
- Courtroom display technology. See page 2.

INFORMATION FOR ATTORNEYS APPROVED FOR COURT APPOINTMENT / ELECTRONIC VOUCHER PAYMENT SYSTEM

Duty Attorney Rotation / Video Pre-Trial (“VP”) Docket

Please refer to the current version of the Chart of Allowances on the Supreme Court of Virginia’s website at <http://www.courts.state.va.us/courtadmin/aoc/fiscal/home.html>. This resource provides a list of the fees and expenses to be paid from the Criminal Fund and applies to all requests for payment submitted to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia (SCV) including but not limited to requests for payment submitted by special justices, guardians *ad litem*, interpreters, mediators, court-appointed counsel, court-appointed experts, substitute judges, retired judges, and others.

- It is Chesterfield Circuit Court policy that those on the appointment list continue as counsel of record through any appeals from the Circuit Court.
- Circuit pre-trials are heard daily at 9:00 AM and 9:30 AM; check the video docket display system or posted paper docket board for pre-trial courtroom assignment and docket. Note, the assigned courtroom changes daily and is subject to change on short notice.
- Come prepared with business cards and your calendar/device for scheduling.
- Due to the number of attorneys on the Circuit Duty/VP list and holidays, dates are assigned approximately every 1.5 terms. All dates are distributed among approved attorneys on a rotating and equal basis.
- If you have been assigned a pre-trial duty date by the Court and cannot be present on that date, you are responsible for making any necessary arrangements for someone to fill in for you from among the approved attorneys. Please notify Judges’ Chambers (748-1333) of any changes made. If there is an emergency, please notify Chambers, and we will attempt to assist with coverage arrangements.
- Please note, the Chesterfield General District and J&DR District Courts maintain separate attorney appointment lists. Contact the respective Clerk’s Offices directly for information.

Information Regarding Payment

- Effective 7/1/2018, the Supreme Court added language to the Chart of Allowances requiring that *“time shall be recorded in increments not greater than .10 hour (6 minutes).”* In order to ensure full, fair, and timely compensation, it is important that bills and fee waiver requests are sufficiently detailed and time recorded to the nearest one-tenth of an hour.
- Effective 10/6/2020, in keeping with the Virginia Supreme Court budget standard for judicial mileage reimbursement, travel of 25 miles or less (one way and per occurrence) will not be approved for reimbursement on court-appointed attorney vouchers. If mileage within the excluded parameter is submitted, the voucher will be rejected and returned for modification.
- Copies of charge information (probation violation, etc.) will be provided to the court-appointed attorney in the courtroom during the pretrial hearing.
- If handling state and county charges for a defendant, file separate Lists of Allowances for payment purposes. State charges must be submitted via the Electronic Voucher Payment System, and county/local charges must be submitted on a paper form DC-40; see next section.
- Attorneys are requested to file Lists of Allowances in a timely manner at the District Court level to ensure proper processing and timely payment in the Circuit Court.

Electronic Voucher Payment System

Effective 4/30/2019, the Chesterfield Circuit Court requires use of the Supreme Court of Virginia’s Electronic Voucher Payment System (EVPS) for online submission of the DC-40 (List of Allowances) by

court-appointed counsel. For state charges, paper submissions of DC-40's will not be accepted in Circuit Court. For county/local charges only, the Circuit Court Clerk's Office will accept paper submissions of DC-40's. When the electronic voucher is submitted, it will route to the Clerk's Office for processing. The submitter will receive an email verifying receipt of the voucher. The Judge will approve, reject, or modify the form electronically. Attorneys will receive electronic updates on the voucher's status and, if rejected, will be able to address any issues that prompted rejection. Approved vouchers will be transmitted immediately to the Supreme Court of Virginia which will allow for more timely payments and should eliminate the potential for lost payments and illegible forms.

Attorneys will need to register for EVPS on the Supreme Court of Virginia website to establish an account for payment. There also are training videos available on the site at <http://www.vacourts.gov/online/evps/home.html>.