

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY
TWENTIETH JUDICIAL CIRCUIT:
FAUQUIER COUNTY LOCAL RULES AND PROCEDURES

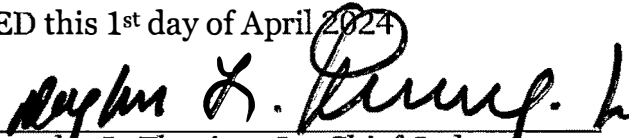
ORDER OF ADOPTION

These 20th Judicial Circuit: Fauquier County Local Rules and Procedures (“Local Rules”) are unanimously adopted by the Judges of the 20th Judicial Circuit pursuant to Virginia Supreme Court Rule 1:15. A copy of these Local Rules shall be posted in the Circuit Court Clerk’s Office, filed with the Executive Secretary of the Supreme Court of Virginia, provided to the local bar association, made available to attorneys practicing before this Court, and made available to any citizen appearing before this Court.


These Local Rules may be revised as needed by the Court and any such revisions shall be incorporated by this Order of Adoption. Any such revisions shall be published and distributed as described above. Standing security orders, security protocols of the Sheriff’s Office, or policies set by the Clerk of Court remain unchanged by these Local Rules. All other prior rules, procedures or resumption of operations plans of the Fauquier County Circuit Court not referenced herein are revoked.

If any Local Rule herein should conflict with a Rule of the Supreme Court of Virginia, the Rule of the Supreme Court of Virginia will control.

ENTERED this 1st day of April 2024



Douglas L. Fleming, Jr., Chief Judge



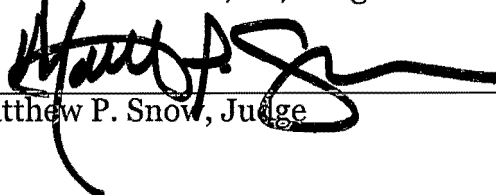
Stephen E. Sincavage, Judge



James P. Fisher, Judge



James E. Plowman, Jr., Judge



Matthew P. Snow, Judge

20th JUDICIAL CIRCUIT: FAUQUIER COUNTY LOCAL RULES AND PROCEDURES

These Fauquier County Local Rules and Procedures (“Local Rules”) are adopted by the Judges of the 20th Judicial Circuit, pursuant to Rule 1:15 of the Rules of the Supreme Court of Virginia, by Order of Adoption entered April 1, 2024. These Local Rules rescind and replace all prior Fauquier County Circuit Court plans or orders of procedure.

I. FAUQUIER COUNTY CIRCUIT COURT

The Court will hear trials on Monday, Tuesday, and Wednesday of each week. Criminal dockets are heard on the fourth (4th) Monday, and certain Thursdays of each month as set forth herein. Civil Motions Dockets are heard on certain Fridays, as set forth herein. All properly scheduled matters will be heard in-person, except by leave of Court pursuant to Rule 1:27 or other applicable law.

Nothing in these Local Rules and Procedures dispenses with any party’s obligation to comply with Rule 4:15(b) or other applicable Rule of the Rules of the Supreme Court of Virginia. Nothing in these Local Rules and Procedures modifies or replaces any standing security orders or inclement weather/closure order.

TRIALS: All jury trials will commence at 9:00 a.m. All bench trials will commence at 10:00 a.m., with the exception of misdemeanor appeal bench trials, which will be set on a criminal docket at 1:00 p.m.

II. CIVIL FILING AND SCHEDULING PROCEDURES

A. ELECTRONIC FILING: No electronic or e-mail filing is permitted except as authorized by the Rule 1:17 of the Rules of the Supreme Court of Virginia and implemented by the Clerk of Court, or by other order.

B. PHONE SCHEDULING: Scheduling for civil trials will be conducted by phone scheduling every Tuesday from 9:00 a.m. - 9:30 a.m. Civil matters may be placed on the phone scheduling docket by the filing of a *praecipe*. Other matters may be scheduled without the need for a *praecipe* if

authorized by the Court. If any Tuesday falls on a recognized holiday, or other date that courts are closed, phone scheduling will not occur.

The *praecipe* approved by the Court is available at the Clerk's Office and on the Clerk's Office website. A *praecipe* must be filed with the Clerk at least **seven (7) days** prior to the phone scheduling docket in order for the scheduling request to be heard.

All civil phone scheduling is conducted at the following number: 540-422-8101. Counsel and self-represented parties are expected to call and advise the Clerk's Office that they are calling in for civil phone scheduling. The parties must be on the phone together prior to calling in for phone scheduling, unless one party has available dates from all parties. If, after reasonable notice, a party fails to participate in phone scheduling, the matter may be scheduled in their absence.

C. CIVIL MOTIONS DOCKETS: Civil motions dockets will be heard on the **second (2nd) and fourth (4th) Friday** of each month according to the following schedule:

9:00 a.m.	Uncontested Motions, Agreed Orders, & Returns on Rules to Show Cause	- 5 min.
9:30 a.m.	Contested Non-Domestic Relations Motions	- 20 min.
11:00 a.m.	Contested Domestic Relations Motions	- 20 min.
	Pendente Lite Motions	- 30 min.
1:00 p.m.	Civil Scheduling	- 5 min.

The Court in its discretion may remove and specially set any motion that, in its judgment, requires a lengthier hearing. Due to volume, the Court may, *sua sponte*, reassign a motion to the next available docket. Failure to comply with an applicable order, these Local Rules or the Rules of the Supreme Court of Virginia may result in the removal of any motion or hearing, *sua sponte*.

D. DOCKETING OF CIVIL MOTIONS: Civil motions shall be docketed by using a *praecipe*. Contested civil motions must be filed at least **fourteen (14) days** prior to the scheduled motions hearing date, unless exempted by

the Court. The *praecipe* approved by the Court is available in the Clerk's office and on the Clerk's office website.

For an uncontested civil motion, a *praecipe*, motion and any proposed order must be filed at least **seven (7) days** prior to the scheduled hearing.

All civil motions are to be placed on a Civil Motions Docket. Except as noted below for *pendente lite* motions, all motions and responses thereto will be allocated a maximum of 20 minutes total. Should either party believe argument on the motion will exceed 20 minutes, a time estimate should be noted on the *praecipe*. Motions exceeding 20 minutes may be heard on the Civil Motions Docket, or may be specially set, in the discretion of the presiding judge.

A motion to reconsider may not be docketed by *praecipe*. A motion to reconsider must be filed with the Clerk and directed to the judge who ruled on the matter. Docketing the motion for oral argument will only be at the direction of the Court.

- E. MOTIONS:** A motion shall concisely set forth the facts relied upon and the relief requested (i.e., no legal authority). The motion shall be filed at least **fourteen (14) days** prior to the scheduled motions day. Pursuant to Rule 4:15(c), all motions shall be supplemented by a brief in support, unless otherwise noted below. The brief should identify the applicable legal authority and present argument(s). The brief in support shall be filed at least **fourteen (14) days** prior to the hearing on the motion. If the motion is contested, a response or opposition brief to the motion shall be filed at least **seven (7) days** prior to the scheduled hearing.

Demurrers, pleas in bar, and other responsive pleadings that are not technically considered motions shall adhere to the briefing requirements set forth above.

In lieu of briefs, the following motions have a separate supplemental filing requirement contained in these Local Rules:

- i. Motions for *Pendente Lite* Relief (see paragraph II.F below);
- ii. Motions to Compel (see paragraph II.G below).

The following motions shall not require briefs, unless ordered by the Court:

- i. Motions for Modification of Custody, Visitation or Support;
- ii. Motions to Withdraw / Substitution of Counsel;
- iii. Motions to Continue;
- iv. Motions to Appoint a *guardian ad litem*;
- v. Motions for a Rule to Show Cause;
- vi. Motions for Presentment or Entry of an Order;
- vii. Motions to Stay for Bankruptcy Proceedings;
- viii. Uncontested motions.

F. PENDENTE LITE MOTIONS: *Pendente lite* hearings are for support only, not for child custody and parenting time (i.e. visitation) disputes. Final custody and visitation hearings receive scheduling priority on the Court's docket.

In lieu of briefs, the parties shall exchange at least **seven (7) days** prior to the hearing, **but not file** with the Court, their exhibits, intended to be referenced at the *pendente lite* hearing. Exhibits that are not timely exchanged may not be considered. Counsel or self-represented litigants shall file a Notice with the Clerk at least **seven (7) days** prior to the hearing certifying compliance with this requirement. Failure to timely file a Notice may result in the removal of the motion from the docket. The exhibits shall be provided to the Court immediately prior to the *pendente lite* hearing. Exhibits exchanged for *pendente lite* hearings shall include, as applicable:

- i. a party's most recent W2 or 1099;
- ii. the last two pay statements;
- iii. evidence of periodic health insurance paid on behalf of the child(ren);
- iv. evidence of work-related childcare expenses;
- v. an income and expense statement; and
- vi. a complete proposed support guideline worksheet.

Exhibits listed herein and properly presented to the Court at hearing will be deemed admitted for purposes of the *pendente lite* hearing only and will be afforded such weight as the Court deems appropriate.

Pendente lite hearings are allocated 30 minutes as follows:

- (a) proffered testimony by moving party and responding party (5 minutes per side);
- (b) cross-examination of the opposing party's proffered testimony (5 minutes per side); and
- (c) questions from the Court, review of exhibits, and ruling (10 minutes).

The time limits herein will be strictly enforced. Parties are strongly encouraged to enter into written stipulations on uncontested issues or prepare proposed findings of fact and submit them to the Court at the start of the hearing.

G. MOTIONS TO COMPEL: In all motions to compel, and oppositions thereto, the parties shall file an excel-type spreadsheet ("The Spreadsheet"). The Spreadsheet shall include a minimum of four (4) columns:

- (Column 1) the verbatim interrogatory, document request and/or request for admission at issue;
- (Column 2) the responding party's verbatim answer and/or objection;
- (Column 3) a summary of the moving party's basis for requesting an order to compel;
- (Column 4) a blank column for the Court's notes/ruling.

The Spreadsheet shall be filed with the motion at least **fourteen (14) days** prior to the hearing. An Opposition Spreadsheet shall be filed at least **seven (7) days** prior to the hearing. Parties are strongly encouraged, but not required, to file a Joint Spreadsheet at least **fourteen (14) days** prior to the hearing. The Spreadsheet requirement supersedes the briefing requirement above.

No Spreadsheet shall be required by the moving party where the responding party has failed to file any response to discovery.

H. RULES TO SHOW CAUSE: A Petition for a Rule to Show Cause shall be made under oath and filed with the Circuit Court Clerk to be directed to Judges' Chambers, with an accompanying proposed Order for signature.

The Order shall designate a return date, allowing sufficient time for the Petitioner to issue service of process, to any civil motions docket at 9:00 a.m. No *praecipe* is required to place the first return date on the docket, which shall be for status and/or scheduling.

- I. **PETITIONS FOR EXPUNGEMENT:** A separate Petition is required for each matter upon which relief is being requested. Petitions for Expungement may be placed on the Civil Motions Docket. In the alternative to docketing the matter, if the Commonwealth is consenting to the relief requested, a party may file a fully endorsed consent order with the Clerk to be submitted to Judges' Chambers for review and entry.
- J. **GUARDIAN AD LITEM REPORTS:** A *Guardian Ad Litem* report in any guardianship, conservatorship, or infant settlement case shall be filed at least **seven (7) days** prior to the hearing. Failure to file a *Guardian Ad Litem* report in a timely manner may result in the case being removed from the docket or rescheduled. Movants in guardianship, conservatorship, or infant settlement cases are strongly encouraged to communicate with the *Guardian Ad Litem* to ensure the report will be timely filed in anticipation of the scheduled hearing date.
- K. **CIVIL TRIALS:**
 1. **TRIALS:** Parties requesting a trial may schedule through the phone scheduling procedures outlined above in Section II. B.
 2. **UNIFORM PRETRIAL SCHEDULING ORDER:** The Court will enter a standard Uniform Pretrial Scheduling Order pursuant to Rule 1:18 at the time that a matter is set for trial.
 3. **JURY INSTRUCTIONS:** Counsel of record, unless compliance is waived by the court, must, at least **two (2) days** before a civil jury trial date, submit to the Court a copy of all instructions the party proposes to request and noting thereon the authority or authorities relied upon for such instructions. At the commencement of trial, counsel of record must tender the Court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This rule does not preclude the offering of additional instructions at the trial.

4. PRETRIAL CONFERENCES: Pursuant to Rule 1:19, pretrial conferences will be set at 9:00 a.m. approximately one (1) month prior to the trial in all cases involving equitable distribution, any civil case expected to last longer than two days, and as otherwise may be ordered by the Court. The pretrial conference dates will be selected at the time counsel select their trial dates during Phone Scheduling.

The parties (or corporate representative authorized to negotiate settlement), and counsel who will be trying the case, are required to attend the Pretrial Conference. Failure to appear may cause the Court to remove or continue the pretrial conference or the trial, and/or impose sanctions on the non-appearing party/counsel.

Notwithstanding any applicable pretrial conference order, counsel and any self-represented parties are expected to be prepared to suggest procedures that will facilitate the just, speedy and inexpensive resolution of issues. Prior to the conference, counsel and/or self-represented parties shall meet and confer in a good faith and in a meaningful way (preferably in person) to try to reach agreement with respect to the following issues:

- a. Any remaining discovery disputes that require resolution.
- b. Any pending motions that require resolution.
- c. Any depositions that must be read including whether there are objections that require resolution.
- d. Any issue that will require briefing.
- e. The order of presentation of evidence on each topic, the numbering and organization of documents in binders.
- f. Whether parties can agree on the admission of routine exhibits or alternatively agree to not challenge the authenticity of routine exhibits.
- g. Stipulations of uncontested facts that can expedite the presentation(s).
- h. Any expert witnesses, and whether the parties can agree to an order of presentation of evidence that minimizes the expense to the parties for the expert.
- i. The allocation of time between the parties and the order of witnesses to avoid inconvenience and expense.

- j. The dates of any settlement conference scheduled.

Pretrial Conference in Equitable Distribution: In addition to the applicable items above, in any case involving equitable distribution pretrial conferences, the parties must file, at least **seven (7) days** prior to the pretrial conference, an initial joint equitable distribution schedule highlighting each entry on which the parties **disagree**. Failure to do so may cause the court to remove or continue the pretrial conference or the trial or impose sanctions on a non-cooperating party.

Pretrial Conference in Custody / Visitation: In addition to the applicable items above, in any case involving a custody / visitation pre-trial conference, each party must file, at least **seven (7) days** prior to the pretrial conference, a written pretrial conference filing. If custody is contested, each party shall identify whether legal custody (joint vs. sole) and/or physical custody is in issue. Each party shall set forth in writing the specific visitation proposed or sought in the following order: weekends, three-day weekends, mid-week, Thanksgiving, Christmas/winter break, spring break, Mother's Day, Father's Day, birthdays, summer, the expected date for notice for summer visits, telephone/video and any other special holidays or occasions. For each period of visitation, the specific start and stop times should be stated as well as any proposed travel arrangements. Proof of completing an approved Parent Education Seminar shall be filed or brought to the pretrial conference.

- L. EQUITABLE DISTRIBUTION AND DOMESTIC RELATIONS TRIALS**: In any case involving equitable distribution, the parties must file, at least **seven (7) days** prior to trial a final joint equitable distribution schedule highlighting each entry on which the parties **disagree**. This requirement will necessitate cooperation between the parties.

Parties in contested domestic relations cases involving grounds of divorce, child custody, equitable distribution, spousal support and/or child support may expect the Court to require post-trial transcripts and proposed findings of fact and conclusions of law cross-referenced to the trial transcripts and exhibits. Parties are required to prepare their respective cases in anticipation of the Court ordering the above post-trial

filings, to include securing a court reporter. Parties shall be responsible for securing a court reporter and shall not rely on the Court's recording system for the preparation of transcripts.

M. CIVIL APPEALS: In all civil cases appealed from the District Courts, the District Court will set the matter on the Court's Civil Motions docket at 1:00 for scheduling. All provisions of the Virginia Code relating to papers transmitted to the appellate court and service of protective orders (e.g. Va. Code 16.1-112 and 8.01-290, as amended) shall apply.

N. EXHIBITS: For all trials, exhibits shall have each page uniquely numbered, in sequential order, for ease of reference for the Court and the parties.

III. CRIMINAL FILING AND DOCKET PROCEDURES

A. ELECTRONIC FILING: No electronic or e-mail filing is permitted except as authorized by the Rule 3A:23 of the Rules of the Supreme Court of Virginia and implemented by the Clerk of Court.

B. GRAND JURY / FOURTH MONDAY CRIMINAL DOCKET: The Grand Jury convenes on the **fourth (4th) Monday** of the month on odd numbered months (e.g. January, March, May, etc.). A criminal docket will occur on the **fourth (4th) Monday** of every month. Should the fourth (4th) Monday fall on a recognized holiday, or a date when there is a court closure, the Grand Jury and the cases on the criminal docket will be rescheduled by separate court order. The fourth (4th) Monday criminal docket shall be structured as follows:

9:00 a.m. Bond Motions, Capias Returns
(Grand Jury Empaneled)

10:00 a.m. Pleas, Sentencings and Revocations

1:00 p.m. Indictment Returns, Misdemeanor Appeals,
Motions, Scheduling, Status and Reviews

C. CRIMINAL SCHEDULING DOCKET: Criminal scheduling will occur on the **fourth (4th) Monday** Criminal Docket at 1:00 p.m. by indictment, filing of a *praecipe*, or as specially set by the Court. Criminal scheduling will also occur on the other criminal docket days at 1:00 p.m. by filing of a

praecipe. A *praecipe* approved by the Court is available at the Clerk's Office and on the Clerk's Office website. A *praecipe* must be filed with the Clerk at least **seven (7) days** prior to scheduling.

D. BOND MOTIONS: Bond motions and bond appeals shall be filed with the Clerk without a *praecipe* and will be scheduled by the Clerk on the docket as priority matters in coordination with the parties.

E. CRIMINAL DOCKET PROCEDURES: Criminal matters will be heard on the **first (1st) and second (2nd) Thursday** of every month as follows:

9:00 a.m. Bond Motions, Capias Returns

10:00 a.m. Pleas, Sentencings & Revocations

1:00 p.m. Motions, Scheduling, Misdemeanor Appeals,
Status and Reviews

The Court may remove and specially set any matter that, in its discretion, requires a lengthier hearing than can be accommodated on the docket. Due to volume, the Court may, *sua sponte*, reassign a motion to the next available docket. Failure to comply with an applicable order, these Local Rules or the Rules of the Supreme Court of Virginia may result in the removal of any motion or hearing, *sua sponte*.

1. MISDEMEANOR APPEALS: Misdemeanor appeals will be directly scheduled on the 4th Monday Criminal Docket at 1:00 p.m. by the District Courts at the time the appeal is noted in accordance with the Circuit Court's calendar. Subsequent hearings will be heard on one of the Court's three (3) monthly Criminal Dockets at 1:00 p.m.

No witnesses will be required to be subpoenaed on the first misdemeanor appeal date. The first date will be for discussion between parties/counsel, possible proposed agreed dispositions, and further scheduling. For misdemeanor appeals that cannot be resolved short of trial, and for efficiency of scheduling of counsel and self-represented litigants, parties are encouraged to communicate in advance regarding time estimates for trial.

2. PLEAS:

- a. For cases already set for trial, a party may advance a case for entry of a guilty plea by filing a *Praecipe*, at least **seven (7) days** prior, to a Criminal Docket or as otherwise authorized by the Court.
- b. For all felony guilty pleas, the Commonwealth's Attorney must ensure the following are filed at least **seven (7) days** prior:
 - i. a written plea memorandum or agreement, or guilty plea form;
 - ii. a detailed, written proffer of facts;
 - iii. if applicable, initialed copies of proposed amendments to warrants/indictments;
 - iv. if applicable, a waiver of indictment; and
 - v. if applicable, a Certification of Compliance with the Crime Victim and Witness Rights Act (Virginia Code §19.2-11.01).

3. SENTENCINGS & REVOCATIONS: Sentencings and revocation hearings will be docketed by the Court.

4. CRIMINAL MOTIONS: Except for bond motions, all criminal motions are to be placed on a Criminal Docket at 1:00 p.m. by filing a *Praecipe*. Time estimates shall be noted on the *praecipe*. For a contested motion, a *praecipe*, the motion and the corresponding brief must be filed at least **fourteen (14) days** prior to the scheduled hearing.

A motion shall concisely set forth the facts relied upon and the relief requested (i.e. no legal authority). All motions shall be supplemented by a brief in support, unless otherwise noted below. The brief should identify the applicable legal authority and present argument(s). The brief in support shall be filed at least **fourteen (14) days** prior to the hearing on the motion. If the motion is contested, a response or opposition brief to the motion shall be filed at least **seven (7) days** prior to the scheduled hearing. The parties may submit joint written stipulations applicable to the motion.

The following motions shall not require briefs:

- i. Motions to Continue;
- ii. Motions to Withdraw / Substitution of Counsel;
- iii. Motions for Bond;
- iv. Motions for Standard Discovery;
- v. Uncontested Motions.

For an uncontested motion, a *praecipe*, motion and any proposed order must be filed at least **seven (7) days** prior to the scheduled hearing.

A motion to reconsider may not be docketed by *praecipe*. A motion to reconsider must be filed with the Clerk and directed to the judge who ruled on the matter. Docketing the motion for oral argument will only be at the direction of the Court.

F. CRIMINAL TRIALS:

- 1. JURY INSTRUCTIONS:** Parties are strongly encouraged to file proposed criminal jury instructions in advance of trial in the same method and manner as provided for civil jury instructions in Local Rule II.K.3 herein. For criminal trials only, this rule is advisory in nature. However, it is considered by the Court to be a best practice and is highly recommended.

END
