

CHIEF JUSTICE S. BERNARD GOODWYN
SUPREME COURT OF VIRGINIA
May 2024

Good morning, justices and judges of the Commonwealth and honored guests. Welcome to the 2024 Judicial Conference of Virginia. I am Bernard Goodwyn, Chief Justice of the Supreme Court of Virginia.

It is good to be here today. The ability to meet together and exchange insights, share best practices, and build relationships with other judges is invaluable. We hope you will take advantage of the opportunities this conference provides for us to learn from one another, as well as from the excellent educational programs provided to us through the Educational Services Department.

I am honored to address you today about the state of the Commonwealth's judiciary. The state of our judiciary is strong. Further, it is a testament to all of our justices, judges, and staff, that our judiciary not only remains strong, but also continues to grow stronger, because of their dedication and hard work.

It is the obligation of the Supreme Court of Virginia to oversee the administration of the entire judicial system of Virginia, including budgeting matters, staffing, and resource allocation. We are required to ensure the effective functioning of the judicial system, and for maintaining the public trust and confidence in the Courts.

I would like to acknowledge, with great appreciation, my fellow justices on the Supreme Court of Virginia: Justice Cleo E. Powell, Justice D. Arthur Kelsey, Justice Stephen R. McCullough, Justice Teresa M. Chafin, Justice Wesley G. Russell, Jr., and Justice Thomas P. Mann. I am deeply grateful for their advice and support as we work together to guide the Judicial Branch of Virginia.

I also want to recognize the invaluable advice and contributions of our Executive Secretary, Karl R. Hade. The hard work done by Mr. Hade and our staff members who work in the Office of the Executive Secretary is essential to the operation of the judicial branch of government, and I very much appreciate their hard work and excellence in carrying out their responsibilities.

I was given some general statistics for the number of cases before courts of the Commonwealth last year. General district courts saw over 2.2 million cases filed, and concluded close to the same number. Juvenile and domestic relations district courts saw over 430,000 cases filed, and concluded over 437,000. In the circuit courts, 401,566 cases were filed, and 398,782 cases were concluded. The Court of Appeals of Virginia saw 2,218 cases filed, and entered final dispositions in 1,816 cases. And in 2023, the Supreme Court of Virginia entered final dispositions in 591 appeals and two hundred forty-five 245 original jurisdiction cases.

It's obvious that the judicial branch has done a lot of work this past year. And in each one of those cases, we as judges were the ones tasked with protecting the rule of law, administering justice, and protecting individual rights. It is work that is imperative for the functioning of our society. I urge each of you to continue your work with excellence and with knowledge of how important it is. We must never forget the extraordinary responsibility of sitting where we sit, and we must always strive for excellence and continue in our efforts to improve the operation and functionality of our branch of government. I know that our judges are dedicated and hardworking, and it is the responsibility of the Supreme Court of Virginia to make sure our judges have the training, support, technology, and other resources that they need to do their jobs efficiently and effectively.

And now I would like to talk with you about some of the many things our judiciary has been doing this year in addition to deciding cases, such as providing the support, training, and technology that our judiciary needs to maintain its strength and excellence.

I have never seen myself as a great speaker. But they do say that the hallmark of a truly great speech is brevity and directness, so I'll get right to the point – if you catch the person next to you nodding off, I'll go ahead and give you permission to gently elbow them—just make sure it's a subtle elbow, and not something too uncivil. All kidding aside, I want to make sure you are well informed about what we have accomplished since we last met, and our continuing efforts to improve going forward.

A reason our judiciary is strong is that we continue our commitment to providing quality training and support for our judicial branch of government, for not just judges, but also for staff and others who work in the judicial branch.

Court managers are critically important to the functioning of our judiciary. Circuit court clerks, in particular, are assigned over eight hundred statutory responsibilities. This past year, the Commonwealth witnessed a record number of newly elected circuit court clerks, with twenty-four new clerks taking office on January 1, 2024. This February, our Department of Judicial Services conducted a comprehensive orientation and education program for these new clerks, and will follow up with in-person visits to each of their offices to assess operational efficiencies and offer recommendations.

The Educational Services Department, together with the Department of Judicial Information Technology, launched a new Judicial Learning Center for judicial branch employees last March. This platform offers a comprehensive, central hub for accessing professional courses

for continuing education. The course catalog currently features over 250 courses, and there are plans to regularly add additional material.

The Judicial Learning Center will also become the hub for staff training regarding the permissible uses of generative artificial intelligence in our court system. An AI use policy is being considered by the Supreme Court of Virginia, and is expected to be in place in the coming months. Part of that policy will include mandatory trainings on AI use and security, and these lessons will be made available on the Judicial Learning Center platform.

Education, training, and support for judges is also important to our efforts to improve the administration of justice in our courts. In addition to newly elected judges being mentored by a trained sitting judge, we now also have a voluntary Peer-to-Peer Coaching Program that gives judges, in any phase of their career, a chance to confidentially speak with a judicial coach regarding issues both in and out of the courtroom. I encourage you to consider taking advantage of peer-to-peer coaching as a means to improving both your personal and professional well-being. If you are interested in being paired with a judicial coach, please reach out to our Wellness Coordinator, Hetal Challa.

While we are on the topic of judicial wellness, I want to remind you of the Virginia Judges & Lawyers Assistance Program. It offers no-cost, confidential, and non-disciplinary assistance to judges, lawyers, and other legal professionals, who may be dealing with, or at risk for, mental health challenges including chronic stress, depression, compassion fatigue, and substance abuse.

The Program helps legal professionals develop a plan to overcome their unique challenges, and will work to provide the support and treatment needed. The Virginia Judges & Lawyers Assistance Program is available by phone 24 hours a day, as well as by email. There

are also several support groups that meet across the Commonwealth. I encourage each of you to keep this resource in mind, and to take action if you think that getting help would be at all beneficial. The nature of our jobs can create a host of mental health challenges. Your wellness is of the utmost importance, and getting help early is a big factor in recovery and success.

At the direction of the General Assembly, the Department of Judicial Services is currently working, along with the National Center for State Courts, on a Judicial Workload Study. The purpose of the study is to help determine the number of judges needed to manage caseloads across the Commonwealth. The study will consider factors such as the utilization of interpreters during judicial proceedings, the impact of population fluctuations, and the time that judges spend on various case types. It will also survey judges regarding their daily activities and additional factors influencing workload, such as travel time to rural courts and overseeing specialty dockets. The final report is due to the General Assembly in October.

Additionally, a Court Performance Advisory Committee was established last year, effective July 1, 2023. The purpose of the Committee is to recommend performance measures and to use that data to improve both every-day decision making and long-term planning in court operations.

This Committee is comprised of ten individuals: four judges from circuit and district courts, four clerks from similar courts, and two representatives from the magistrate system. Judge Stacey Moreau of the 22nd Judicial Circuit serves as the chair.

The Court Performance Advisory Committee has four subcommittees. One subcommittee is examining the effectiveness of existing case processing measures and reports, along with voluntary case processing guidelines; another subcommittee is assisting the Office of the Executive Secretary in gathering information on court user perspectives. A third

subcommittee is focused on investigating employee satisfaction issues, and the fourth subcommittee is dedicated to developing and implementing appropriate performance measures for the Magistrate System, because notably, there are currently no national performance measures for the work of such quasi-judicial officers.

We are also committed to increasing meaningful and effective court outcomes through specialty dockets. Presently, there are 89 operational specialty dockets.

This year's annual Specialty Dockets Training, backed by a Highway Safety grant, is Scheduled for August 11th through 14th in Williamsburg. The theme is *Empowering Change and Transforming Lives: Uniting Communities through Specialty Dockets*.

This past October, the Department of Judicial Services hosted its inaugural Virginia Behavioral Health Summit in Williamsburg, which was jointly planned with the National Center for State Courts. The summit welcomed 362 attendees, comprising 57 judge-led teams, and offered a blend of educational sessions and opportunities for jurisdictional team planning, all aimed at enhancing systemic responses to individuals grappling with mental health issues.

As regards jury education, this past year, the Department of Judicial Services introduced a new video for juror orientation. This valuable resource is easily accessible on the intranet, the VACOURTS website, and YouTube.

The Department of Judicial Services has also worked toward implementing an advanced system for appointing guardians, conservators, and elected representatives of estates. A new Guardianship and Probate Management System is scheduled for launch in the last quarter of 2025. This system will empower clerks to efficiently index and digitize all fiduciary documents. To facilitate the capture of data, the Judicial Council recommended, and the General Assembly passed, amendments effective on July 1 of this year, which will now require a coversheet for all

petitions for the appointment of Guardians and Conservators, and will provide clearer guidelines regarding reporting timeframes for the annual reports.

The Department of Judicial Services' Dispute Resolution Services Team consistently advocates for various alternative dispute resolution initiatives. In circuit courts, retired judges mediated close to 1,200 Judicial Settlement Conference cases in fiscal year 2023; this has spared many parties the time and expense of formal litigation, and has significantly aided courts in reducing backlogs.

The judiciary is also committed to increasing meaningful and effective communication to increase public confidence in the judicial system. In April, the Office of the Executive Secretary released a significantly transformed 2023 State of the Judiciary – Annual Report. This year's report highlights the support the Supreme Court and its staff provide to Virginia's courts, and also communicates the great work our courts are doing to serve their growing, diverse, and ever-changing communities, such as judges convening stakeholders to coordinate a community response to domestic violence, courts developing new ways to promote and expand the use of dispute resolution options for court consumers, and the judiciary developing new strategic plans. You can view the annual report by visiting the Judiciary's website homepage at www.vacourts.gov.

As this report serves as a platform to showcase the remarkable endeavors of our court system, I urge everyone to contribute by sharing the achievements and endeavors of their respective courts. You can submit relevant information for future editions to Paul DeLosh, Director of Judicial Services, ensuring ongoing celebration and recognition of our collective achievements.

There have also been notable technological improvements this year. The Financial Accounting System has had a significant enhancement that eliminates the need for clerks to manually generate thousands of journal vouchers, conserving many hours that can be allocated to other tasks. And circuit court clerks now have the option to acquire a large flat scanner and printer, streamlining the process for uploading documents into the Commonwealth of Virginia Electronic Recordation System.

Additionally, our Department of Judicial Information Technology continues its work in improving our network and systems to stay ahead of ever-evolving cyber security threats. The Department has recently enhanced the Security Awareness Training that is required of all IT system users, aiming to better educate employees about cyber threats and best practices for keeping judicial technology safe.

The Court Improvement Program has also done a great deal of meaningful work this past year.

The Department of Magistrate Services continues its work in providing education and training for Virginia's magistrates, as they provide round-the-clock essential services to the Commonwealth. The department hosts four magistrate certification schools each year. These five-week events consist of in-person and virtual training for new magistrates. In addition, department staff conduct a series of live training events each June in different parts of Virginia to update all magistrates on recent developments in Virginia law.

Judicial safety and security are issues of constant concern. The Supreme Court has authorized a contract with a company called IronWall360 to provide online privacy protection to all Virginia Justices, Judges, magistrates, and even their family members who reside with them, if they wish. IronWall360 continually scans the internet to determine if any personal information

appears online, and, if any is found, formally requests websites to remove that information, and follows up to ensure the information is removed. This service also includes access to a secure VPN, an alias phone number and email aliases for your personal email and social media accounts that are used within your household. If you have not done so already, I strongly encourage you to take advantage of this service, which is provided at no cost to you. If you have general questions about this service, you can contact the Director of Department of Judicial Information & Technology, Mike Riggs.

An important part of keeping our judiciary strong is a commitment to improving the public's access to our courts. Our courts must be accessible to the public for the public to use and trust the courts.

The Department of Judicial Services Foreign Language Services Team facilitates meaningful language access for individuals with limited English proficiency in both civil and criminal cases. The Team collaborates closely with individual courts to identify specific challenges, and offers a range of solutions tailored to their needs. While this primarily involves providing interpretation services, the Team also applies technological innovations and provides written translations and transcription services. Staff interpreters handle numerous assignments, but the Team also coordinates with external interpreters to cater to the diverse linguistic needs of Virginia's communities.

Last week, the Judicial Council voted to increase the amount paid to interpreters, to assist the courts in retaining and recertifying the interpreters needed in our courts. Effective July 1 of this year, fees for non-certified interpreters will increase significantly from \$40 to \$60 per hour (with a two-hour minimum), and fees for certified interpreters will increase from \$60 to \$80 per hour (with a two-hour minimum).

Our judiciary is also committed to providing court access for individuals with disabilities. Our ADA Coordinator assists with ADA accommodations in the courts of the Commonwealth. In November 2023, more than 130 ADA Coordinators and clerks of court attended a training with presentations from the disAbility Law Center of Virginia and the Virginia Department for the Deaf and Hard of Hearing.

The Supreme Court of Virginia's Access to Justice Commission, chaired by Justice Steve McCullough and John Whitfield of Blue Ridge Legal Services, continues its work to coordinate and promote access to justice efforts across the Commonwealth. The Commission started in 2013, so last year marked its ten-year anniversary. As we all know, it has many noteworthy accomplishments over the Commission's first decade.

The Access to Justice Commission continues its mission of inspiring a culture of pro bono service in Virginia. Recently, it has encouraged and assisted circuit and district courts regarding the creation of local access to justice committees; several circuit and general district courts, along with local bar leaders, are now considering creating local access to justice committees. These local committees will be able to offer guidance regarding specific local barriers to legal access, and can better promote tailored access-to-justice solutions in their specific jurisdictions. If you think your jurisdiction might be interested in creating a local committee, please contact Justice McCullough or John Whitfield; they would be glad to provide information and assistance and to answer any questions you might have.

Additionally, one of the needs for improving access to justice is more pro bono volunteers to represent indigent individuals in civil cases. The Access to Justice Commission will be launching a renewed program in an attempt to convince lawyers to provide more pro

bono service. You should be on the lookout for this campaign, as you may be able to assist in some way.

The state of our judiciary is strong. And one of the reasons why is because of its dedication to expanding meaningful court access to all.

Now for the budget. The General Assembly finalized a budget yesterday, and the state of our judiciary will be strengthened by the funding provided in the new budget. The budget included our request for funding for fourteen additional support positions in the Court of Appeals, additional judgeships in the 1st, 8th, 15th, and 25th circuit courts, and additional judgeships in the 20th and 31st juvenile and domestic relations district courts. The budget also include \$750,000 of additional funding each year of the biennium for expanding Specialty Dockets, and funding to replace our current Fiscal and HR systems, which are over 30 years old: \$1 million of funding in the first year of the biennium, and \$2.5 million of funding in the second.

Additionally, the biennium budget proposals include a 3% raise for judicial branch employees, including judges, on June 10th of this year, and another 3% raise on June 10th of next year; these pay increases will be reflected in paychecks dated July 1 of those years. There is also funding for a work group to examine the hybrid retirement system for judges and consider potential changes; a report from that workgroup is due to the General Assembly on December 1st of this year.

I would like to thank Karl Hade, Eddie Macon, Alisa W. Padden and the Legislative and Public Relations Department, and the rest of our staff for their work in ensuring that the judiciary received the resources and funding it needs for us to serve the Commonwealth to our fullest potential.

In conclusion, I would like to thank Caroline Kirkpatrick and the Educational Services Department, who have again done an outstanding job in organizing this conference and in bringing us helpful and important material. I hope you all will greatly benefit from their hard work. Again, I would like to thank all of you for your invaluable service to the Commonwealth. Thanks to the efforts of our justices, judges, and judicial branch staff, our judiciary remains strong.

Thank you for this opportunity to speak with you.