

VIRGINIA: IN THE CIRCUIT COURTS OF GLOUCESTER AND MATHEWS COUNTIES

***In re:* LOCAL RULE GOVERNING SCHEDULING CIVIL MOTIONS AND
SETTING CIVIL CASES FOR TRIAL**

ORDER

Pursuant to Rule 1:15(a), Rule 1:20, and Rule 4:15(a) of the Rules of the Supreme Court of Virginia and Virginia Code § 8.01-4, the Court prescribes the following local rule governing the scheduling of civil motions and setting of civil cases for trial in the Circuit Courts of Gloucester and Mathews Counties:

I. SCHEDULING MOTIONS

A. Motion Day

Since 1995, the Court has heard all civil motions on predetermined "motion days." Attorneys who appear in cases filed in Gloucester or Mathews Circuit Courts are expected to be available on a reasonable number of the scheduled motion days. Attorneys who regularly appear in Gloucester or Mathews Circuit Courts are expected to be available for most, if not all, of the scheduled motion days.

B. Motion Day Schedule

Motion days are scheduled on two (2) Fridays per month. The motion day schedule is prepared on a calendar-year basis and is distributed several months prior to January 1st.

C. Location

Unless otherwise directed by the Court, all motions for civil cases filed in the Gloucester Circuit Court or the Mathews Circuit Court will be heard in Gloucester.

D. Procedure

After filing the motion, the moving party must contact judge's chambers at (804) 693-1358 to advise the type of motion filed and the expected length of the hearing, and to obtain the dates and times available for the hearing. The moving party must then contact the opposing counsel and agree on a hearing date. Once a hearing date is agreed, the moving party must contact judge's chambers at (804) 693-1358 to advise of the chosen date. The motion days offered by the Court are not held and could be rendered unavailable if counsel does not act promptly. Once a date is finalized, the moving party must file and serve the appropriate Notice.

E. Hearing

Only motions scheduled pursuant to these rules will be heard on the scheduled date and time. No motions may be added to a scheduled date and time without prior approval of the Court. Any motions not scheduled pursuant to these rules will not be heard.

F. "10-day Rule"

Counsel are expected to respond promptly to a request to schedule a motions hearing. Should counsel fail to respond in a reasonable time, the moving party may then fax or email to opposing counsel three (3) available motion dates and times along with notice that after ten (10) days without a response, the moving party will seek to schedule the hearing on one of the provided dates and times. Should opposing counsel fail to respond within ten (10) days of such fax or email, the moving party may then schedule the hearing on one of the provided dates and times.

G. Removal or rescheduling

No hearing will be removed or rescheduled unless the moving party notifies the Court.

H. *Pro se* parties

These rules apply to both represented and unrepresented parties. References in these rules to "counsel" apply equally to *pro se* parties.

I. Conferring

Rule 4:15(b) of the Rules of the Supreme Court of Virginia provides that a notice of hearing “must be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action.” Accordingly, counsel must confer with each other and *pro se* parties to decrease, in every way possible the filing of unnecessary motions, and to narrow the issues to be decided by the Court. Absent binding authority to the contrary, a duty to confer to resolve a dispute without court action—whether imposed by the Rules of the Supreme Court or by Order—will be interpreted to require consultation in person or by telephone to explore the possibility of resolving or narrowing the matters in controversy.

J. Deviation

The Court, in its discretion, may deviate from these procedures, as circumstances warrant.

II. SETTING CIVIL CASES FOR TRIAL

A. Terms of Court

1. **Gloucester.** Term Day is the first Monday in January, March, May, July, September, and November. If the Term Day falls on a holiday or Court is closed, Term Day will be held on the next business day.
2. **Mathews.** Term Day is the fourth Wednesday in January, March, May, July, September, and November. If the Term Day falls on a holiday or Court is closed, Term Day will be held on the next business day.

B. Docket Call

1. **Date and Time.** Docket Call is held on Term Day at 10:00 a.m.
2. **Setting cases.** With limited exception, all civil cases must be set prior to and outside of Docket Call using the procedures outlined below.

C. Setting cases – *Praecipe*

1. ***Praecipe required.*** Except for those cases listed in Sections II.D or II.E below, a *Praecipe* must be filed prior to setting the case for trial.

2. ***Timing of Praecipe.*** The *Praecipe* must be filed at least ten (10) days prior to Term Day.

3. ***Available Dates.*** No later than the Wednesday prior to Term Day, counsel must fax their available dates to the judge's chambers at (804) 693-1755, and indicate the expected length of trial and whether a jury is demanded. Should any counsel fail to submit their available dates as required, such counsel and their party will be deemed to have waived any objection to the chosen trial date.

In the alternative and by preference of the Court, the party filing the *Praecipe* may obtain all participants' mutually agreeable available dates, and fax to the judge's chambers a list of dates that are agreeable to all participants, along with the expected length of trial and whether there is a jury demand.

4. ***Order Setting Trial.*** Once the trial date is determined, the Court will enter an Order Setting Trial which will (i) establish the trial date, the length of trial, and whether the trial is with a jury; (ii) direct the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (iii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

5. ***Failure to comply.*** Should the parties fail to comply with the procedures outlined above or the Order Setting Trial, the Court will remove the scheduled trial date, and a new *Praecipe* will be required.

D. Setting cases - Appeal

1. ***Notice of Appeal.*** Except for those cases listed in Paragraphs D.4.a or D.4.b below, when a case is appealed from the district court, the district court clerk will indicate on the Notice of Appeal the date the case "is scheduled to be called for setting of trial date," which date must be a Term Day, at 10:00 a.m.

2. ***Available Dates.*** No later than the Wednesday prior to the Term Day indicated in the Notice of Appeal, counsel must fax their available dates to the judge's chambers at (804) 693-1755, and indicate the expected length of trial and whether a jury is demanded. Should any counsel fail to submit their available dates as required, such counsel and their party will be deemed to have waived any objection to the chosen trial date.

In the alternative and by preference of the Court, the party filing the Notice, or any counsel involved in the appeal, may obtain all participants' mutually agreeable available dates, and fax to the judge's chambers a list of dates that are agreeable to all participants, along with the expected length of trial and whether there is a jury demand.

3. *Order Setting Trial.* Once the trial date is determined, the Court will enter and Order Setting Trial which will (i) establish the trial date, the length of trial, and whether the trial is with a jury; (ii) direct, where appropriate, the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (iii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

4. *Protective Orders.*

a. Family Abuse Protective Order GRANTED (Va. Code § 16.1-279.1). When a family abuse protective order is issued pursuant to Virginia Code § 16.1-279.1 (FORM DC-650) and is appealed from the district court, the district court clerk will set the trial date on the next Term Day (subject to the cutoff in Paragraph 6 below) at 2:00 p.m., by indicating on the Notice of Appeal the date the case "is scheduled to be called for trial."

b. Protective Order GRANTED (Va. Code § 19.2-152.10). When a protective order is issued pursuant to Virginia Code § 19.2-152.10 (FORM DC-385) and is appealed from the district court, the district court clerk will set the trial date on the next Term Day (subject to the cutoff in Paragraph 6 below) at 2:00 p.m., by indicating on the Notice of Appeal the date the case "is scheduled to be called for trial."

c. All other Protective Orders. When any protective order not listed in Paragraph 4.a or 4.b above is appealed (regardless of whether the protective order was issued or the petition was denied), the district court clerk will indicate on the Notice of Appeal the date the case "is scheduled to be called for setting of trial date," which date must be a Term Day, at 10:00 a.m.

5. Termination of Parental Rights. When a case involving termination of parental rights is appealed from the district court, the district court clerk will indicate on the Notice of Appeal the date the case "is scheduled to be called for setting of trial date," which date must be a Term Day, at 10:00 a.m. Promptly after the Notice of Appeal is filed, counsel involved in the appeal should confer with each other and contact the judge's chambers at (804) 693-1358 to schedule the matter for trial.

6. Cutoff. Should an appeal be noted less than ten (10) days prior to the next Term Day, the appeal must be scheduled using these procedures for the following Term Day.

E. Setting cases – Divorce, Affirmation or Annulment

1. Praeceptum not required. A *Praeceptum* is not required in cases involving divorce, affirmation, or annulment.

2. 9th Circuit Domestic Relations Procedures. Forms and procedures regarding divorce and other domestic relations cases may be found at:

<https://www.vacourts.gov/courts/circuit/gloucester/home>

<https://www.vacourts.gov/courts/circuit/mathews/home>

3. Pre-hearing Conference. After any *pendente lite* issues have been resolved, the parties must schedule a pre-hearing conference with the Court.

4. Setting Trial. At the conclusion of the pre-hearing conference, the matter will be set for trial, as necessary. If a trial date is established, the Court will (i) direct, where appropriate, the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (ii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

F. Pro se parties

Counsel should make every reasonable effort to contact any *pro se* parties to set cases in advance of Docket Call using the procedures outlined herein. In the event counsel is unable to contact the *pro se* party, the case must be set at Docket Call. To avoid appearing at Docket Call, counsel may, no later than the Wednesday prior to Docket Call, fax their available dates to the judge's chambers at (804) 693-1755, advise the expected length of trial, and advise whether a jury is demanded.

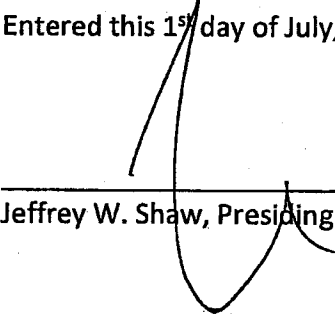
G. Deviation

The Court, in its discretion, may deviate from these procedures, as circumstances warrant.

The Court DIRECTS the Clerks of each Court to spread a copy of this Order upon the respective order books, post a copy with the date of entry in the clerk's office, furnish a copy to the attorneys regularly practicing before the respective circuit courts, and furnish a copy to the clerks of the Gloucester and Mathews General District and Juvenile and Domestic Relations District Courts.

The Court DIRECTS the Clerk of the Gloucester Circuit Court to file a copy with the Executive Secretary of the Supreme Court.

Entered this 1st day of July, 2025.



Jeffrey W. Shaw, Presiding Judge

I certify that the document(s) to which this authentication is affixed are true copies of a record in the Gloucester County Circuit Court, that I have custody of the record and that I am the custodian of that record.

Cathy L. Dale, Clerk

By  Dep. Clerk