Corrected Copy

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday, the 18th day of June, 2025.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective July 1, 2025.

Amend Rules 1:24, 3:17, 4:1, 4:9A, 5:1, 5A:1, 5A:6, 5A:27, and 7C:5 as follows:

Rule 1:24. Requirements for Court Payment Agreements for the Collection of Fines and Costs.

* * *

(d) *Conditions of a payment agreement.* — All the fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement must include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court must take into account the defendant's financial resources and obligations, including any fines and costs the defendant owes in other courts. If the defendant requests to enter into an installment agreement, the court may offer installment payments of (i) $25 per month, or a higher amount, depending on a defendant's ability to pay, which the court will determine using a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or by conducting an oral examination of the defendant to determine his financial resources and obligations or (ii) less than $25 per month, if the defendant is determined to be indigent by the court pursuant to § 19.2-159. In the case of a defendant otherwise eligible to enter a payment plan under this rule, any resources exempted by subsection (h) may not be considered when determining the payment amount or the length of time to pay under any deferred, modified deferred, or installment payment agreement.

No court may require a defendant to make a down payment upon entering a deferred, modified deferred, or installment payment agreement, other than a subsequent payment agreement, in which case the court may require a down payment pursuant to subsection (g). Nothing in this rule prevents a defendant from voluntarily making a down payment upon entering any payment agreement.

Where available, the court may provide community service work as an option to defray fines and costs, especially when the defendant is indigent or otherwise unable to make meaningful payments. Any portion of the community service completed should be credited to

the defendant's obligations. Community service may not be credited against any amount owed as restitution, the interest which has accrued on restitution, and any collection fee required.

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing, on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

* * *

Rule 3:17. Substitution of Parties.

* * *

(c) *Public Officers; Death or Separation from Office*. — An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name. Any misnomer not affecting the parties' substantial rights will be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution.

Rule 4:1. General Provisions Governing Discovery.

* * *

(c) *Protective Orders.* — Upon motion by a party or by the person from whom discovery is sought, 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, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the county or city where the deposition is to be taken, may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court. If the subpoena duces tecum seeks a nonparty's financial records or a nonparty's records protected by the attorney-client privilege, such nonparty may move for a protective order, and for such other relief permitted by this subsection, in accordance with Code § 8.01-420.9.

If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of Rule 4:12(a)(4) apply to the award of expenses incurred in relation to the motion.

* * *

Rule 4:9A. Production from Non-Parties of Documents, Electronically Stored Information, and Things and Entry on Land for Inspection and Other Purposes; Production at Trial.

* * *

(c) *Responding to a Subpoena; Objections; Production of Documents and Electronically Stored Information. —*

* * *

(3) *Objections and Procedures. —* The court, upon written motion promptly made by the person so required to produce, or by the party against whom such production is sought, may (1) quash or modify the subpoena, or the method or form for production of electronically stored information, if the subpoena would otherwise be unduly burdensome or expensive, (2) condition denial of the motion to quash or modify upon the advancement by the party in whose behalf the subpoena is issued of some or all of the reasonable cost of producing the documents, electronically stored information, and tangible things so designated and described or (3) direct that the documents and tangible things subpoenaed, including electronically stored information (unless another location for production is agreed upon by the requesting and producing parties), be returned only to the office of the clerk of the court through which such documents and tangible things are subpoenaed in which event, upon request of any party in interest, or his attorney, the clerk of such court must permit the withdrawal of such documents and tangible things by such party or his attorney for such reasonable period of time as will permit his inspection, photographing, or copying thereof. If the subpoena duces tecum seeks a nonparty's financial records or a nonparty's records protected by the attorney-client privilege, such nonparty may move to quash or modify the subpoena, and for such other relief permitted by this subsection, in accordance with Code § 8.01-420.9.

* * *

Rule 5:1. Scope, Citation, Applicability, and General Provisions.

* * *

(g) *Filings.* – Every document or object filed with or transmitted to this Court must be filed or transmitted in compliance with these Rules. Originals or copies of documents or objects should not be filed with or transmitted to any justice of this Court, unless expressly authorized by the Court. A failure to comply with this prohibition may result in the imposition of penalties under Rule 5:1A.

(h) *Substitution of Parties*.

(1) *Substitution of a Successor.* — If a person becomes incapable of prosecuting or defending because of death, disability, conviction of felony, or other cause, and the claim is not extinguished, a successor in interest may be substituted as a party in such person's place.

(2) *Motion.* — Substitution may be made on motion of the successor or of any party to the appeal.

(3) *Public Officers; Death or Separation from Office.* — An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution.

Rule 5A:1. Scope, Citation, Applicability, Filing and General Provisions.

* * *

(f) *Citing Unpublished Judicial Dispositions.* — The citation of judicial opinions, orders, judgments, or other written dispositions that are not officially reported, whether designated as "unpublished," "not for publication," "non precedential," or the like, is permitted as informative, but will not be received as binding authority. If the cited disposition is not available in a publicly accessible electronic database, a copy of that disposition must be filed with the brief or other paper in which it is cited.

(g) *Substitution of Parties*.

(1) *Substitution of a Successor.* — If a person becomes incapable of prosecuting or defending because of death, disability, conviction of felony, or other cause, and the claim is not extinguished, a successor in interest may be substituted as a party in such person's place.

(2) *Motion*. — Substitution may be made on motion of the successor or of any party to the appeal.

(3) *Public Officers; Death or Separation from Office*. — An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The Court may order substitution at any time, but the absence of such an order does not affect the substitution.

Rule 5A:6. Notice of Appeal.

* * *

(d) *Certificate.* — The appellant must include with the notice of appeal a certificate stating:

(1) the names and addresses of all appellants and appellees, the name, Virginia State Bar number, mailing address, telephone number (including any applicable extension), facsimile number (if any), and e-mail address (if any) of counsel for each party; and the mailing address, telephone number, facsimile number (if any), and e- mail address (if any) of any party not represented by counsel; and

(2) that a copy of the notice of appeal has been transmitted, mailed, or delivered to all opposing counsel; and

(3) in a criminal case a statement whether counsel for defendant has been appointed or privately retained; and

(4) that in the event a transcript is to be filed a copy of the transcript has been ordered from the court reporter who reported the case or is otherwise already in the possession of appellant, or was previously filed in the proceedings.

* * *

Form

NOTICE OF APPEAL FROM TRIAL COURT (Rule 5A:6)

VIRGINIA: IN THE CIRCUIT COURT OF _____

(The style of the case in the Circuit Court.)

NOTICE OF APPEAL

_____
(name(s) of party(ies))
_____, (plaintiff, defendant or other designation in trial court) hereby appeals to the Court of Appeals of Virginia from the (final judgment or other appealable order or decree) of this Court entered on _____.
(date)

[If applicable]
This is a termination of parental rights case (Va. Code §16.1-283, §16.1-277.01, §16.1-277.02 or §16.1-278.3).
A transcript will be filed.
A statement of facts, testimony, and other incidents of the case will be filed.
[In criminal cases only:] Appellant requests the clerk of the circuit court to cause a transcript to be prepared of the following circuit court proceedings:

_____

_____

_____

CERTIFICATE

The undersigned certifies as follows:

(1) The name(s) and address(es) of appellant(s) are:
[If applicable] Appellant(s), is (are) not represented by counsel. The telephone number(s), facsimile number (if any) and e-mail address (if any) of appellant(s) are:

(2) The name(s), Virginia State Bar numbers(s), address(es), telephone number(s), facsimile number (if any), and email address(es) (if any) of counsel for appellant(s) are:

(3) The name(s) and address(es) of appellee(s) are:
[If applicable] Appellee(s), is (are) not represented by counsel. The telephone number(s) facsimile number (if any) and e-mail address (if any) of appellee(s) (are):

(4) The name(s), Virginia State Bar numbers(s), address(es), telephone number(s), facsimile number (if any), and email address(es) (if any) of counsel for appellee(s) are:

(5) [If applicable] The name(s), address(es), and telephone number(s) of the guardian *ad litem* for the child(ren) is (are):

(6) [If applicable] Counsel for appellant, or appellant if not represented by counsel, has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).

(7) [If applicable] _____,(name of party)_____(appellant) _____ (appellee) is not represented by counsel. (his) (her) address and telephone number are: _____.

(8) [In criminal and termination of parental rights cases only] Counsel for defendant has been _____.(appointed) (privately retained)

(9) A copy of this Notice of Appeal has been mailed, emailed, or delivered to all opposing counsel [and/or to unrepresented parties, to the guardian ad litem, if applicable] and to the Clerk of the Court of Appeals this_____day of _____, 20____.

_____
(Signature of counsel or unrepresented party)

Rule 5A:27. Summary Disposition.

The Court of Appeals may dispense with oral argument in any matter if the parties agree that oral argument is not necessary or the panel to which the matter is assigned has examined the briefs and record and unanimously agrees that oral argument is unnecessary because (a) the

appeal is wholly without merit; (b) the dispositive issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be overturned, extended, modified, or reversed; or (c) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Rule 7C:5. Discovery.

(a) *Application of Rule.* — This Rule applies only to the prosecution for a misdemeanor which may be punished by confinement in jail and to a preliminary hearing for a felony.

* * *

(c) *Discovery by the Accused.* — Upon motion of an accused, the court must order the prosecuting attorney or representative of the Commonwealth to permit the accused to hear, inspect and copy or photograph the following information or material when the existence of such is known or becomes known to the prosecuting attorney or representative of the Commonwealth

and such material or information is to be offered in evidence against the accused in a General District Court:

(1) any relevant written or recorded statements or confessions made by the accused, or copies thereof and the substance of any oral statements and confessions made by the accused to any law enforcement officer; and

(2) any criminal record of the accused. *See* Code § 19.2-389(I).

* * *

A Copy,

Teste:

Clerk