

Chapter 1 – Judicial Administration

Virginia’s Judicial System

The mission of Virginia’s judicial system is to assure that disputes are resolved justly, promptly, and economically. The components necessary to discharge these functions are a court system unified in its structure and administration, competent, honest judges and court personnel, and uniform rules of practice and procedure.

The present system consists of four levels of courts: the Supreme Court, the Court of Appeals, the circuit courts, and the district courts. In addition, magistrates serve as judicial officers with authority to issue various types of processes. The courts are organized into 31 judicial circuits and 32 similar judicial districts. More than 2,600 people, including judges, clerks, and magistrates, work within the judicial branch of government to provide the citizens of the Commonwealth prompt and efficient service.

Supreme Court of Virginia

The Supreme Court of Virginia is the highest court in the Commonwealth consisting of a Chief Justice and six (6) Justices. The Supreme Court of Virginia is frequently referred to as the “court of last resort.” It has both original and appellate jurisdiction, but its primary purpose is to review decisions of lower courts from which appeals have been allowed.

The Supreme Court of Virginia receives, processes, and maintains permanent records of all appeals and other official documents filed with the court. The office also maintains a list of qualified attorneys and other administrative records.

Administration of the court system in Virginia is the responsibility of the Chief Justice of the Supreme Court and the chief judges of the circuit and district courts. The Office of the Executive Secretary to the Supreme Court assists the Chief Justice in the administration of the judicial branch of government. Major activities of the Office of the Executive Secretary include maintaining liaison with, and providing support to each of the branches of government in matters affecting the courts and providing appropriate coordination, supervision, and administrative support for operations and systems within the court and magistrate systems. More information on the responsibilities of the Office of the Executive Secretary is provided later in this chapter.

Court of Appeals

The Court of Appeals of Virginia provides for intermediate appellate review of all decisions of the circuit court in traffic cases and in criminal cases. Before a criminal or traffic case may be reviewed by the Court of Appeals, a petition for appeal must first be filed through the circuit court. The Court of Appeals does not review decisions involving the death penalty.

Office of The Executive Secretary

The Office of the Executive Secretary (OES) to the Supreme Court assists the Chief Justice in the administration of the judicial branch of government and is comprised of ten departments that assist with the coordination, supervision and support of operations of the courts and magistrate systems. The Office of the Executive Secretary provides administrative support for all of the courts and magistrate offices within the Commonwealth. This includes the training and education of all judicial branch employees, as well as legal research assistance for judges. This office also provides payroll, purchasing, accounts payable, human resources, planning, and grant services to the courts. It supplies all information technology, including Internet, e-mail, case management, and video technology, along with technical support to the courts and magistrate offices in the Commonwealth.

Assistant Executive Secretary and Counsel

The Assistant Executive Secretary & Counsel provides legal advice and support to the Executive Secretary on matters involving OES and the administration of the judicial branch. Working with the Executive Secretary and the Chief Justice, the Assistant Executive Secretary & Counsel oversees the implementation of the Supreme Court's Judicial Disqualification Policy, and also works with the Education Department on scheduling and planning annual conferences.

Court Improvement Program

The office of the Court Improvement Program is responsible for court activities relating to children and families and for the qualification of lawyers as guardians *ad litem* for children and incapacitated adults. These responsibilities include developing, conducting and supporting special projects that address issues of concern to children and families involved with the court system and implementing standards promulgated by the Judicial Council of Virginia governing lawyers who serve as guardians *ad litem*.

Additionally, the Court Improvement Program conducts research, develops recommendations and provides training and technical assistance on the handling of child abuse, neglect, and foster care cases and on other issues of concern to families and children in the judicial system.

Educational Services

The Educational Services Department of the Office of the Executive Secretary provides yearly continuing education opportunities and training for all Virginia court system employees. Many statewide and some regional educational conferences are sponsored by the Department for judges, clerks, magistrates, hearing officers, and substitute judges. The Department of Educational Services also manages other programs such as the tuition

reimbursement program, the Skillsoft online learning program, and the district court Clerk Judicial Management Program.

Fiscal Services

The Department of Fiscal Services is the court system's financial management center. This includes providing centralized budgeting, payroll, purchase of supplies, accounts payable and grant services.

Human Resources

The Human Resources Department provides centralized human resource management services for approximately 2,800 employees. The Department's primary activities are to develop recommendations concerning human resource management and to administer the personnel management system. It is responsible for attracting and retaining qualified employees using HR management flexibilities, pay practices and benefits. In addition, this department supports the training and development of employee skills to meet current and future needs of the future.

Judicial Information Technology

The Department of Judicial Information Technology (DJIT) administers standardized uniform automated computer systems in support of the Virginia Judicial System including the official website of the Virginia Judicial System and the online payment system.

Judicial Planning

The Department of Judicial Planning develops and maintains effective planning capabilities within Virginia's Judicial System. Working with judicial policy-making bodies (such as the Judicial Council of Virginia and the Committee on District Courts), the Department assists the Chief Justice and Supreme Court of Virginia in identifying present and future needs, and developing and implementing innovative programs and solutions that address those needs. The Department is structurally divided between planning function staff and staff dedicated to specific programs or special projects.

Judicial Services

The Department of Judicial Services (DJS) serves as the liaison between the Judiciary's administrative offices and the courts throughout the Commonwealth, providing administrative services through publications, trainings, field visits, and the research and support of various programs. The Department serves the courts of this Commonwealth through its seven divisions:

Circuit Court Services

Provides financial management, case management and procedural support for circuit courts judges and clerks through training and technical assistance

General District Court Services

Provides guidance and assistance to general district court judges and clerks on caseload management, case processing, public relations, and internal financial controls

Juvenile and Domestic Relations District Court Services

Provides guidance and assistance to juvenile and domestic relations district court judges and clerks on caseload management, case processing, public relations, and internal financial controls

Dispute Resolution Services

Provides mediation and other dispute resolution alternatives through certification, training and technical assistance

Specialty Docket Services

Specialty Docket Services provides administrative oversight of the specialty dockets in Virginia including technical assistance, budget management, monitoring and evaluation. Specialty Dockets refer to specialized court dockets, established under [Rule 1:25 of the Supreme Court of Virginia](#), within the existing structure of Virginia's circuit and district court system offering judicial monitoring of intensive treatment, supervision, and remediation integral to case disposition

Foreign Language Services

Provides assistance to the judiciary so as to assure non-English-speakers equal access to the judicial process through certification, training and support

Records Management Services

Provides records management solutions and support for the Virginia courts through records imaging solution training and technical assistance

Legal Research

The Department of Legal Research provides staff support and direct assistance to the Office of the Executive Secretary and the judiciary. Primary functions include performing legal research for Virginia trial court judges and for the Executive Secretary, providing assistance with legislative matters affecting court procedures, developing and maintaining court forms,

producing instructional manuals for the court system, participating in educational conferences and providing staff support for committees of the judiciary. The Department of Legal Research of the Office of the Executive Secretary does not provide legal advice or legal assistance to members of the public.

Legislative and Public Relations

The Department of Legislative and Public Relations manages legislative matters, and handles media and public relations for Virginia's Judicial System. The Department provides staff support for the development of legislative proposals recommended by the Judicial Conferences of Virginia, and represents Virginia's Judicial System on legislative matters before the General Assembly. The Department presents information to legislators about the impact of bills on Virginia's Judicial System, and prepares and disseminates to the court system an annual summary of court-related legislation.

The Department is responsible for responding to inquiries from the press and the general public, including requests for records and information. Additional responsibilities include managing the content of Virginia's Judicial System website, and reviewing and updating court informational pamphlets.

Magistrate Services

Provides oversight, technical assistance and training of magistrates throughout the Commonwealth. Magistrates have the responsibility for issuing arrest warrants, search warrants, summonses, emergency mental commitments and protective orders, and, in some localities, civil warrants. Magistrates also set bail in cases involving arrest and determining bond. Magistrates' offices may accept prepayments for minor traffic violations and in certain cases. Magistrates must promptly forward all papers to the court.

Virginia Courts

Circuit Courts

The circuit court is the trial court of general jurisdiction in Virginia. It is the sole court with the authority to try all types of cases except as specifically provided by statute. The circuit court is the only trial court of record and is the only court in Virginia wherein a jury is provided for the trial of criminal cases. There are 120 Circuit Courts within the 31 Circuits throughout the Commonwealth. The circuit court has jurisdiction of all misdemeanors originally charged in circuit court; all felonies committed by adults, and those felonies committed by juveniles aged fifteen and older whose cases have been certified for trial in the circuit court by the judge of a juvenile and domestic relations district court; and all appeals from the general district court and juvenile and domestic relations district court.

District Courts

District Courts in Virginia are courts of limited jurisdiction. This means that these courts have jurisdiction only in those cases in which jurisdiction is specifically given by statute. Jury trials are not conducted in district courts; all cases are heard by a judge. The district court system in Virginia is divided into general district courts and juvenile and domestic relations district (J&DR) courts, in smaller localities the general district and J&DR courts are combined. Virginia has 32 districts corresponding to the 31 circuits noted earlier. District court employees are state employees who work for the specific local court. These employees are under the supervision of the Chief Judge of the district.

General District Courts

In civil cases, the general district courts have exclusive original jurisdiction in cases involving \$4,500 or less, and in claims for recovery of possession of personal property or rented premises. The general district courts have shared original jurisdiction with the circuit courts when the amount claimed is between \$4,500 and \$25,000. The general district court has concurrent jurisdiction with the juvenile and domestic relations district court over adult mental commitment hearings. In criminal and traffic cases involving adults, the general district court has jurisdiction over misdemeanors and violations of ordinances, laws, and bylaws of the counties, cities, and towns within their district. The court also conducts preliminary hearings in felony cases. The court has jurisdiction over all traffic infractions, except those involving juveniles.

Juvenile and Domestic Relations

The juvenile and domestic relations district court has exclusive jurisdiction over individuals under the age of eighteen; such cases are referred to as "delinquency cases." The juvenile and domestic relations district court has jurisdiction of all misdemeanor offenses committed by one family or household member against another. Family or household members is defined in [Va. Code § 16.1-228](#).

Combined Courts

A Combined Court is a merged General District and Juvenile and Domestic Relations District Court into one clerk's office. While individual judges are appointed to serve on either the General District or JDR bench, clerks and deputy clerks are appointed to serve both courts requiring the necessary skills of both levels of courts to perform their job functions. Combined district courts maintain their separateness in terms of case processing.

District Courts

Judicial Districts

The Commonwealth of Virginia is divided into thirty-two judicial districts.

Judges

Chief Judge

Each district has one chief general district judge and one chief juvenile and domestic relations district judge who serve two terms beginning on July 1 of even-numbered years. The chief judge is elected by majority vote of the judges of the district. The powers and responsibilities of the chief judge are set out in [Va. Code §§ 16.1-69.35, 16.1-69.11](#).

Chief judges are responsible for the administration of their respective courts in accordance with policy guidance from the Committee on District Court and the Chief Justice. The chief judge may adjust the schedules of the judges within the district based on workload or absences, determines the operating hours of the court as well as when the clerk's offices may close based on a threat to the health or safety of the clerk's office personnel or general public, and may cross-designate district court judges for specific case types.

If the chief judge of a district court is unable to perform the duties required by law, the chief judge shall notify the other judges of such district court, or if the chief judge is unable to notify the other judges, the judge longest in continuous service who is available shall provide such notice, and the judge longest in continuous service who is available shall be the acting chief judge, and perform such duties during the chief judge's absence. If two or more judges of such district court have served for the same period, the judge most senior in years shall be the acting chief judge. Upon assuming such duties, the acting chief judge shall immediately notify the Executive Secretary of the Supreme Court and the other judges of such district court.

When the chief judge is able to resume the duties of chief judge, the chief judge shall immediately notify the Executive Secretary and the other judges of such district court, and thereupon shall resume such duties. [Va. Code § 16.1-69.11:1](#).

Retired, recalled and substitute judges

When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition;

If unable to designate a judge as provided in paragraph a, the chief district judge may designate a retired district judge for such hearing and disposition if such judge consents; or

If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge if such judge consents or the chief district judge may request that the Chief Justice of the Supreme Court designate a circuit judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to [Va. Code § 16.1-69.21](#).

If one of the above-noted situations exists, district court form DC-90, [ORDER DESIGNATING DISTRICT COURT JUDGE, RETIRED JUDGE OR SUBSTITUTE JUDGE TO PRESIDE IN A DISTRICT COURT](#) must be completed.

Each district court should keep these completed forms in a designation file in chronological order by designation date or by case number for individual case designation.

Retired judges

The lists of retired circuit court, general district court and juvenile and domestic relations district court judges are forwarded to all clerks periodically from the Assistant Executive Secretary and Counsel's office. As you are aware, only judges whose names appear on the lists provided by the Executive Secretary of the Supreme Court are subject to recall.

Substitute Judges

Below is the link for a list of attorneys who have been appointed by circuit courts as substitute judges:

<http://www.vacourts.gov/directories/substitute.pdf>.

Judicial Disqualification

The purpose of the Judicial Disqualification Policy is to maintain the trust and confidence of the public when a replacement judge is selected, while ensuring the prompt and efficient administration of justice. To these ends, except as provided herein, if a judge is disqualified for any reason from participating in a case, that judge shall not participate in the selection of the replacement judge.

Disqualification of a Judge or Chief Judge

If a judge of the district is disqualified, he or she shall forward an appropriate order of disqualification to the chief judge of the district who will designate a judge to preside, consistent with the provisions of [Va. Code § 16.1-69.35\(1\)](#). If the chief judge of the district is disqualified, he or she shall forward an appropriate order of disqualification to the Chief Justice of the Supreme Court of Virginia, who will designate a judge to preside.

OR

If a judge or the chief judge of the district is disqualified, he or she shall enter an appropriate order of disqualification and, pursuant to a standing order previously entered by the chief district judge, the case shall be referred to another judge of the district who is available and not disqualified. The standing order may authorize the judge to whom the case is referred to designate another judge to preside, consistent with the provisions of [Va. Code § 16.1-69.35\(1\)](#).

Disqualification of all Judges

If all the judges in a district are disqualified, the chief judge shall forward an appropriate order of disqualification to the Chief Justice of the Supreme Court of Virginia, who will designate a judge to preside.

The revised policy differs from the previous policy in providing that the chief judge may enter standing orders that would create a system of rotation to be utilized when the chief judge or another judge in the district is disqualified from hearing a case. We expect that this policy will enable district courts to handle disqualifications

in a more efficient manner while maintaining compliance with the Canons of Judicial Conduct and the Code of Virginia. Fewer cases will need to go to the Chief Justice for designation of a judge to preside.

Suggested standing order forms have been created for your use. One would apply to cases in which the chief judge is disqualified. The other would be used in connection with disqualification of other judges in the district. A separate standing order would be entered by the chief judge for each judge in the district. New standing orders would be necessary upon the election of a new chief judge and upon the appointment or retirement of judges in the district.

Sample standing orders can be located at:

http://oesinet.courts.state.va.us/manuals/disqual_policy/dc_jud_disqual_pol_faq.pdf.

The revised policy requires that an order of disqualification be entered and forwarded to the Chief Justice of the Supreme Court, who shall designate a judge to preside over the case. The order may be signed by each of the judges in the district or by the chief judge on behalf of all the judges of the district.

The link for the general district designation request form is below:

http://oesinet/manuals/disqual_policy/gd_coversheet.pdf.

The link for the juvenile and domestic relations designation request form is below:

http://oesinet/manuals/disqual_policy/jdr_coversheet.pdf.

Form DC-91, [ORDER OF DISQUALIFICATION](#) is used to document that the judge has either disqualified himself due to a conflict in a particular case or cases, or that a possible conflict may exist and the attorneys and the parties in the case have waived the disqualification of the judge in that particular case or cases.

Canon 3.F provides that “[a] judge who may be disqualified by the terms of Section 3E may ask, or have the clerk of court ask, the parties and their lawyers to consider, out of the presence of the judge, whether to waive disqualification. If following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers, without participation by

the judge, all agree that the judge should not be disqualified, and the judge is then willing to participate, the judge may participate in the proceeding. Written evidence of the agreement shall be incorporated in the record of the proceeding.”

The written waiver must be signed by all attorneys and all parties in the case. Supreme Court Form DC-91, [ORDER OF DISQUALIFICATION](#) must be completed to document the waiver.

For additional information on the revised disqualification policy, you may wish to review the training presentation in the Knowledge Center using the following link:

https://covkc.virginia.gov/kc/main/kc_frame.asp.

Cross-Designation

An order of cross-designation permits a general district judge to sit as a juvenile and domestic relations district judge in his district or permits a juvenile and domestic relations district judge to sit as a general district judge. These orders permit one type of judge to cover for the other type in districts where a judge might not be available in each type of court every day. They also permit judges of one type of court to assist the judges in the other in order to relieve docket congestion.

The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned. [Va. Code § 16.1-69.35](#).

Paying a substitute

To receive compensation for retired judges or substitute judges, district court form DC-1101, [RETIRED, RECALLED AND SUBSTITUTE JUDGES PER DIEM AND TRAVEL EXPENSE REIMBURSEMENT VOUCHER](#), must be completed.

Clerk's Office

Each court is supported by a clerk's office, although some are combined with other general district courts or juvenile and domestic relations district courts. The clerks and other employees in the office are appointed by and serve at the pleasure of the chief judge pursuant to [Va. Code § 16.1-69.39](#).

Duties of Clerk

The clerk's office is the administrative arm of the court. The clerks of court are the court's chief administrative officers and are accountable to the presiding judge and chief judge for all office functions. Virginia Code States: The clerk shall develop, implement and administer procedures necessary for the efficient operation of the clerk's office, keep the records and accounts of the court, supervise nonjudicial personnel and discharge such other duties as may be prescribed by the judge.

The duties of the clerk may be classified in the following major groups: Financial Management, Records Management, Personnel Management and Public Relations.

Financial Management

The duty of accounting for all funds handled by the court is the responsibility of the clerk. The bookkeeping procedures utilized are uniform throughout the Commonwealth and are detailed in the Financial Accounting System (FAS) User's Guide available on the OESINET.

Records Management

The clerk is responsible for caseload processing, including ensuring that the needs of the court, other criminal justice agencies, and the public are met, as well as to ensure compliance with statutory requirements. In addition, the clerk is responsible for proper security, retention, and the disposition of court records.

Personnel Management

All clerks have personnel management responsibilities. Personnel management includes recruitment, training, evaluation, correction of errors, and motivation.

Public Relations

The clerk is also responsible for fostering a positive image of the court's services to the general public and for liaison with state and local government agencies and magistrates. The manner in which

the court's functions are executed and the responsibilities of the clerk's position require that a degree of discretion and judgment be exercised in carrying out the functions of the office.

Court Closed – Computation of Time

If a court is closed for any reason other than an approved holiday or legislative order, the filing deadline is extended to the next business day on which the court is open. [Va. Code 1-210](#).

Inclement Weather

Subject to such rules as may be established pursuant to [Va. Code § 16.1-69.32](#), the chief judge shall determine when the district courts or divisions of such courts shall be open for the transaction of business. The chief judge or presiding judge of any district court may authorize the clerk's office to close on any date when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health or safety of the clerk's office personnel or the general public. [Va. Code § 16.1-69.35](#).

If the clerk's office or court is closed, the clerk is responsible for notifying the Help Desk (help@vacourts.gov) and any pre-designated television and/or radio stations. If the court is opening late due to inclement weather, please state the time the court is opening rather than opening two hours late, etc., as the public may not know the normal operating times of the clerk's office.

The Office of the Executive Secretary cannot authorize the closing of a clerk's office.

Judicial Emergency

A judicial emergency may be declared as provided in this section when a disaster, as defined in [Va. Code § 44-146.16](#), substantially endangers or impedes the operation of a court, the ability of persons to avail themselves of the court, or the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute. Notwithstanding any other provision of law, the Chief Justice of the Supreme Court or, if the Chief Justice is unavailable, the justice longest in continuous service who is available, shall have the power to declare by order a judicial emergency (i) for any court upon the request of the Governor, (ii) for the Supreme Court *sua sponte*, (iii) for the Court of Appeals, upon the request of the chief judge of the Court of Appeals or, if the chief judge is unavailable, the judge of the Court of Appeals longest in continuous service who is available, or (iv) for any circuit or district court upon the request of the chief judge of the affected circuit or district court or, if the chief judge is unavailable, the judge from the affected circuit or district court longest in continuous service who is available.

Any order declaring a judicial emergency shall specify (i) the court or courts and facilities affected by the order; (ii) the nature of the disaster necessitating the order; (iii) the time period or duration of the judicial emergency; and (iv) any other information relevant to the suspension or restoration of court operations, including but not limited to extension of deadlines. The order shall become effective for each affected court upon the date set forth in the order or, if no date is set forth in the order, upon the date the order is signed.

Notwithstanding any other provision of law, an order declaring a judicial emergency may designate a neighboring city or county not affected by the disaster for the temporary relocation of the affected circuit or district court. Locations designated under this section may be outside the geographical limits of the affected court's circuit or district.

Any order declaring a judicial emergency shall be recorded in the order book maintained by the clerk of the Supreme Court, and notice shall be provided to the clerk of the Court of Appeals and all judges and clerks of the courts within any affected circuit or district. Notice to the public shall be given by any means reasonably calculated to inform interested persons and may, without limitation, include publication in a newspaper of local or state-wide distribution, posting of written notices at courthouses and other public facilities, and announcements on television, radio, and the Internet. [Va. Code §§ 17.1-114, 17.1-330, 17.1-331](#)

Office Policies - Local

The clerk should consider developing written local policies; have the employee sign and place a copy in the employee's personnel file. Before implementing a new policy, you may wish to contact Human Resources for a sample policy or have them review any policy, which you create. Examples of local policies include:

- Work hours and attendance
- Personal phone calls
- Internet, Email and Instant Messaging usage
- Leave
- Adverse weather
- Dress code

Separation of Employees Checklist

- Submit Original Appointment/Status Change form to HR.
- Submit any outstanding leave to HR immediately.
- Contact OES to have the employees e-mail address deleted.
- Delete FAS/CMS sign-ons.

- Remove the employee from the bank signature card, if applicable.
- Remove employee's tax set off sign on, if applicable.
- Contact OES to have the employee's E-Pay authority deleted, if applicable.
- Change safe combination, if employee had access to safe.
- Collect employee's badge or key to the office; consider re-keying locks if key is not returned.
- Collect any other keys the employee might possess to files etc.
- Assist employee during the departure; make certain the employee does not remove any state property upon departure.

Volunteers

"Effective July 1, 1983, the Committee on District Courts (CDC) endorsed the use of volunteers in district court clerks' offices. Volunteers are covered under the faithful performance blanket bond. Volunteers should be used to provide general public information and clerical assistance. Their use in performing the tasks of those employees who have taken an oath of office should be avoided."

Pro Hac Vice

A lawyer who is not a member of the Virginia State Bar, but is currently licensed and authorized to practice law in another state, territory, or possession of the United States of America may apply to appear as counsel *pro hac vice* in a particular case before any court, board or administrative agency in the Commonwealth of Virginia provided the lawyer complies with [Rule 1A:4](#) of the Rules of the Supreme Court of Virginia.

No out-of-state lawyer may appear *pro hac vice* before any tribunal in Virginia unless the out-of-state lawyer has first associated in that case with a lawyer who is an active member in good standing of the Virginia State Bar (hereinafter called "local counsel"). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the case.

In order to appear *pro hac vice* as counsel in any matter pending before a tribunal in the Commonwealth of Virginia, an out-of-state lawyer shall deliver to local counsel to file with the tribunal an original notarized application and a non-refundable application fee of \$250.00 payable to the Clerk of the Supreme Court. *Pro hac vice* counsel must submit a notarized application with the non-refundable application fee of \$250.00 for each separate case before a tribunal. The fee shall be paid to the Clerk of the Supreme Court of Virginia. The tribunal shall file a copy of the notarized application, as well as its order granting *pro hac vice* admission in the case and the \$250.00 fee, with the Clerk of the Supreme Court of Virginia. **NOTE:** The original, notarized applications and any orders granting, denying or revoking applications to appear *pro hac vice* shall be retained in a separate file containing all applications.

Below is a *Pro hac vice* Motions Checklist which was prepared by the Supreme Court clerk's office:

- The attorney has filed a motion to be admitted *pro hac vice* in the case. The out-of-state attorney has associated with Virginia-licensed counsel and the Virginia counsel has signed the motion.
- A notarized application (pursuant to the form found in the Appendix of Forms for Part One A of the Rules of the Supreme Court of Virginia) has been filed by the attorney. The application must list all state court bar numbers for the attorney (federal bar number aren't required). If the attorney was admitted in New York or Maryland, which don't have bar numbers, their Client Protection Fund numbers are acceptable instead.
- A \$250 check made payable to the Supreme Court of Virginia has been filed by the attorney. **NOTE:** The attorney is required to pay a \$250 fee per case. If the court order ruling on the *pro hac vice* motion references multiple case numbers, either a previous order consolidating the cases or \$250 per case number needs to be forwarded to the Supreme Court with check(s). If the cases weren't consolidated (for example, criminal warrants that charge multiple offenses on the same date), copies of the warrants or other relevant paperwork needs to be forwarded to the Supreme Court with the check to explain the single \$250 fee.
- The clerk or judge needs to check the *pro hac vice* database maintained by the Supreme Court of Virginia to determine if the attorney is eligible for admission (i.e., has the attorney already admitted 12 times in the past 12 months as *pro hac vice* counsel?) This information is available via the Supreme Court **intranet**. If you have any questions about this process, contact the Clerk's Office of the Supreme Court at (804) 786-2251.
- The above papers (and information if the clerk checks the eligibility of counsel) should be given to the Judge to enter an order either granting or denying the *pro hac vice* motion. The order needs to include the date signed by the judge and the case number(s). When the order is entered:

A copy of the order, motion, application, and the \$250 check shall be forwarded as soon as possible to the Supreme Court of Virginia Clerk's Office, 100 N. 9th Street, 5th Floor, Richmond, VA 23219. See paragraph 3 above. **NOTE:** if your court holds the \$250 check past its "cash by" date, you are responsible for obtaining a new check to forward to the Supreme Court with the relevant papers. The Supreme Court Clerk's Office is required to deposit all fees within 48 hours of receipt. Therefore, the \$250 fee must be accompanied by the required paperwork so that the application can be processed by the Supreme Court staff.

- The original application and a copy of the order shall be filed in a separate *pro hac vice* file kept by your court for 3 years after completion of the case, including appeals.
- The original order shall be placed in the case file.
- If an order is later entered revoking an attorney's *pro hac vice* status, that order shall be placed in the case file, placed in the separate *pro hac vice* file, and sent to the Supreme Court clerk's office.
- If you have any questions, contact the Supreme court clerk's office at (804) 786-2251, asking for either Jody James-Wood or Lesley Smith. If neither is available, ask for the clerk, Douglas Robelen.

The link to the application is below:

http://www.vacourts.gov/courts/scv/forms/pro_hac_vice_form.pdf.

The address for Clerk of the Supreme Court is:

Clerk of the Court
Supreme Court of Virginia
100 North Ninth Street, 5th Floor
Richmond, VA 23219
Phone - (804) 786-2251

Public Records

Transparency

In general, general district court records are presumed to be open to the public. It is an accepted common-law concept that court records are open to public, and this concept has been upheld in Virginia case law. There is a statute for circuit court records ([§ 17.1-208](#)), which provides that the records and papers of every circuit court are open to the public and the clerk shall, when requested, furnish copies.

However, access cannot interfere with the business of your office. According to [Va. Code § 17.1-208](#), "No person shall be permitted to use the clerk's office for the purpose of making copies of records in such a manner, or to such extent, as will interfere with the business of the office or with its reasonable use by the public." It may be helpful to create a policy with the judges on any restrictions to be placed on viewing the documents, i.e., time limits, number of case limits, and how much, if any, notice should be given.

Copies

"The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this

fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.” [Va. Code 16.1-69.48:2](#).

A written policy should be established documenting any local policy created as it pertains to the allotted completion time of the request.

Strategic Planning

Maintaining the courts as a core function of our democratic form of government is critically important. In addition to carrying out the basic functions of the justice system, the courts must also be prepared to address special circumstances and needs, such as security and continuity of court services and personnel in the event of natural or man-made disaster. Both the governmental functions and basic operations of the justice system must be able to adapt to societal changes — the opportunities and threats they present and the expectations they create. To ensure that the court system performs its governmental role—its mission—effectively, the courts maintain an ongoing, comprehensive planning process that identifies the preferred course for meeting responsibilities and monitors progress toward identified ends.

Pandemic Influenza Plan

The courts should plan to be able to maintain essential functions during a pandemic and recover promptly afterwards; protecting the health of Judicial Branch employees and those who utilize the services of the courts; promoting consistency across the Commonwealth relative to Judicial Branch pandemic response.

The courts have a vital function to play in maintaining the rule of law in the Commonwealth. The public relies on the courts to remain open to resolve disputes and protect the rights of people, while also protecting the health of its employees and those who visit the courthouse. The judiciary must do its best to ensure that the courts handle their essential functions to the greatest degree possible, even during the adverse situation a virulent pandemic would create.

The link below contains materials on communication, security, and human resources issues. There are also numerous planning worksheets that courts may utilize in creating their own individual pandemic influenza plans. Judges and clerks are encouraged to work together and in conjunction with local entities to create a plan that will help them address the challenges posed by a serious pandemic.

http://oesinet.courts.state.va.us/courtadmin/emergency_prep/panflu_worksheets.pdf