

LOCAL RULES OF COURT
NOTTOWAY CIRCUIT COURT

[Established May 1, 2025]

Statement of Intent

These rules are intended to assist judges, clerks, court administrators and parties in understanding the comprehensive docket management system implemented in the Nottoway Circuit Court. The Court has adopted the American Bar Association standard that all cases will conclude within 12 months of filing a complaint or charging instrument in criminal cases. The ABA standard was developed after extensive research by various bar groups, agencies and court systems over three decades. A consensus emerged that a docket can be current only when a judge supervises the scheduling and progress of all steps of the case with systematic case management.

The essential elements which the trial court should use to manage its cases are:

- (a) Court supervision and control of the movement of all cases from the time of filing of the complaint through final disposition.
- (b) Promulgation and monitoring of time and clearance standards for the disposition of cases.
- (c) By rules, conferences or other techniques, establishment of times for conclusion of the critical steps in the litigation process including the discovery phase.
- (d) Procedures for early identification of cases that may be protracted, and for giving them special administrative attention where appropriate.
- (e) Adoption of a trial-setting policy which schedules a sufficient number of cases to ensure efficient use of judge time while minimizing resettings caused by overscheduling.
- (f) Commencement of trials on the original date scheduled with adequate advance notice.
- (g) A firm, consistent policy for minimizing continuances.

These rules includes policies and procedures necessary for docket management. The Court has included information for lawyers practicing in the Amelia Circuit Court along with italicized instructions for the clerk. The inclusion of both lawyer and clerk information is intended to provide detail and transparency to all parties regarding the implementation of the essential steps of docket management listed above.

Docket Control Procedures in Criminal Cases

A. Grand Jury:

- 1. **General.** Grand Jury meets on the first Tuesday of odd numbered months, the Term Day on which trials are set. *The clerk will update CCMS and CIS with scheduled hearing and trial dates.*
- 2. **Defendant's appearance.** It is mandatory that each defendant on bond and awaiting trial appear for Term Day unless previously recognized by the Court or Clerk of the Court to

appear for a trial or motions date during in-court scheduling. A defendant incarcerated will not appear for Term Day. Defense Counsel is not authorized to excuse a client after pre-scheduling the trial with the Commonwealth in advance of Term Day. The Commonwealth will prepare and provide a detailed scheduling of cases to the clerk's office in advance of term day. *The clerk will provide a copy of the Commonwealth's schedule to the Court prior to the Court calling the docket on Term Day.*

3. Scheduling procedures.

- a. The Court expects bench trial dates will be set within the term of court when possible, but the parties are allowed to schedule the case for the following term(s) when the parties' schedules or the court docket does not permit scheduling within the term. The Defense and Commonwealth are encouraged to pre-schedule criminal bench trials in advance of the Term Day. Defense Counsel shall provide available dates to the Commonwealth Attorney to schedule trials and hearings no less than 72 hours before Term Day. If Defense Counsel fails to timely provide available dates 72 hours before Term Day, then Defense Counsel must appear in person at Term Day with available dates. In the event that the parties are unable to reach agreement on scheduling, then a party may issue a praecipe noticing opposing counsel to appear for scheduling trial at Term Day.
- b. Counsel for each party is required to bring a calendar to court appearances to schedule hearings and trials when a case is called. The Court prefers to schedule hearings and bench trials outside of Term Day at regular bench dockets to avoid unnecessary appearances by counsel and defendant and to promote certainty in scheduling hearings and trials.
- c. The parties should request witness subpoenas immediately following in-court scheduling of the case. Defense Counsel shall complete and submit a request for Transportation Order for incarcerated clients to the clerk immediately after the hearing or scheduling date. *The clerk will update CCMS with the scheduled trial date and issue the requested witness subpoenas and/or transportation orders immediately after the in-court scheduling.*

4. **Failure to appear.** Bench warrants will be issued for those who are recognized to appear but fail to appear on Term Day or other scheduled appearance. If the defendant fails to appear for an appeal of a case from the District Court, he may be tried in his or her absence or a separate warrant may be issued for an arrest. *The clerk will issue the capias pursuant to COV § 18.2-456 and include the Court's direction that the defendant is or is not authorized bond.*

B. Continuance Policy: Once a case has been set for trial, a continuance of that trial date will be granted only for good cause. All requests for continuances should be made in writing and scheduled for hearing at the earliest possible time in advance of the trial date. Only the Court can continue a case, and only the Court can excuse witnesses under subpoena. Therefore, the parties must not excuse witnesses without prior Court approval. The Commonwealth, Defense

Counsel, and defendant will complete the form continuance order at the hearing for entry by the Court. Please see Continuance Policy and form order. *The clerk will recognize the defendant for appearance and should scan the continuance form order to CIS once entered by the Court to properly document the file. The clerk will also update CCMS with the new trial date.*

C. Motions and other pretrial matters:

1. **Scheduling.** The defense and Commonwealth are encouraged to confer about availability and pre-schedule motions hearing dates before Term Day. Hearings not scheduled at Term Day must allow the responding party no less than 7 days to reply to the motion, except bond motions. All cases scheduled for a jury trial will require a pre-trial scheduling order and conference for motions and other pre-trial matters. *The clerk will update CCMS with the hearing date.*
2. **Bond Motions** are scheduled with the Commonwealth after filing a written motion by defendant with notice received by the clerk and Commonwealth's Attorney.
3. **Election** is a pretrial hearing for the defendant, Commonwealth and Court to elect trial by Jury or waive jury trial and proceed with a bench trial. Parties are directed to schedule an election hearing within three weeks of counsel appointment or Term Day. Parties may also schedule other motions on the election hearing date to reduce the number of appearances. The election hearing is the optimal date to present a plea agreement since this eliminates the need for witnesses to appear on the trial date when a plea agreement is reached.
4. **Motions for evaluation of competency and sanity** must be scheduled for a hearing no less than 60 days prior to trial. *The clerk will complete the sanity or competency evaluation form orders provided by the OES reflecting the Court's decision immediately following the docket.*
5. **Motions to suppress, compel discovery, joinder, sever, appoint experts, and lengthy in limine** shall be filed in writing no less than 30 days prior to trial. Opposing counsel shall have 7 days to respond in writing. No hearing will be conducted until the period to respond has expired. *The clerk shall refuse any request to schedule a hearing on a motion less than 7 days from the motion filing date, unless instructed to do so by the Court.*
6. **Filing.** A written motion and notice should be filed with the Clerk with copies to opposing counsel. Motions should also include citations to any cases, statutes or Rules of court relied upon by the moving party. Likewise, the party opposing the motion should provide a written response with citations.
7. **Bond appeal.** A copy of the warrant from the lower court must accompany the written motion. The motion must state the case number(s) from the General District Court or Juvenile & Domestic Relations Court, the next court date and hearing time, the date of the alleged offense(s), and the present bond for each of the charges.
8. **Plea offers and motions to nolle prose.** If the Commonwealth's Attorney intends to move to *nolle prose* or otherwise dismiss the charge or to make a plea offer, Defense Counsel should be so advised at the earliest possible date. Again, the parties should begin settlement negotiations early striving to resolve the case at the election hearing when possible.

9. **Advisements and Appointment of Counsel.** The clerk may add advisements and appointment of counsel hearings to the docket up to 3:00 p.m. the day prior to the scheduled hearing. *The clerk shall update CCMS and JIS prior to the commencement of the docket.*
10. **Docket Additions:** The parties must complete any requested additions to a docket (except bond motions and advisements) with notice to the Clerk by 3:00 p.m. two days before the requested docket, unless authorized by the Presiding Judge. *The clerk shall update CCMS and JIS immediately upon receipt of the docket addition to allow the Presiding Judge to prepare for the hearing.*

D. Jury Trial Requests:

1. **Scheduling.** Jury trials will be scheduled at Term Day or by the parties on dates provided by the Court Administrator immediately after an election hearing. The Court requires that all jury trials shall have a pre-trial scheduling order entered on a form provided by the Court which is appended in the Criminal Forms section. A pretrial hearing must be scheduled on a date no less than ten (10) days prior to the jury trial. *The clerk will summon jurors for the jury trial dates scheduled for each term of court.*
2. **Stacking.** The Court may stack up to three cases scheduled for trial by jury on a day. The Commonwealth will notify the parties which position their case is numbered. The Court expects each case to proceed regardless of assigned position, so the parties must subpoena witnesses and be prepared to proceed with trial.
3. **Plea agreements.** In the event the parties reach an agreement, the Court expects the parties to present the written agreement and sentencing guidelines on a criminal bench trial docket prior to the scheduled jury trial. This allows the Commonwealth to notice counsel for other cases that their trial will advance to the primary position for the trial date.
4. **Starting Time.** Jury selection begins at 9:00 a.m.

E. Transportation Orders:

1. **Responsibility of defense counsel.** It is the responsibility of defense counsel to advise the Clerk and the Commonwealth's Attorney in a timely fashion of the facility in which the defendant is incarcerated, complete and submit a request for transportation order to the clerk. *The clerk will issue the transportation order in advance of trial with sufficient notice to the sheriff to assign a transportation officer to the duty.*
2. **Responsibility of Commonwealth's Attorney.** It is the responsibility of the Commonwealth to notify the Clerk and prepare a request for transportation order for any prosecution witness who is incarcerated. *The clerk will issue the transportation order in advance of trial with sufficient notice to the sheriff to assign a transportation officer to the duty.*

F. Interpreters. It is the responsibility of the defense attorney who becomes aware that his or her client or witness does not speak English or is hearing impaired to contact the Clerk to request an interpreter. The request should be made at the earliest possible opportunity, but no later than 10 business days before the trial or hearing. The Clerk must be advised of defendant's name, the court date, and the language (and dialect, if necessary) of the non-English speaking defendant/witness. *The clerk will contact and secure the services of an interpreter upon receipt of notice from the OES list.*

G. Witnesses. The parties must submit witness subpoena requests to the clerk immediately after a trial date is agreed to by counsel or scheduled. The requesting party must submit the subpoena request no less than ten (10) days prior to the trial date. It is the responsibility of the requesting party to verify the return of service prior to the trial date. Parties are encouraged to use Virginia Judicial System website to review return of service and OCRA to review all other case file documents. *The clerk will promptly issue witness subpoenas upon receipt of the request and update CCMS for the returns on the subpoena.*

H. Plea Agreements. Plea agreements must be in writing and signed by the parties prior to the calling of the case for trial. The Commonwealth must prepare the sentencing guidelines and a guideline worksheet for submission with the plea agreement.

I. Amendments to Indictment. The Commonwealth must obtain a photocopy of the indictment from the clerk or through OCRA prior to the trial date and write the proposed amendment to the indictment prior to calling the case for trial.

J. Sentencing Hearings. The Probation and Parole Officer requires sixty (60) days to prepare a pre-sentence report and sentencing guidelines. In the event of conviction, counsel should be prepared to schedule a sentencing hearing at the time of conviction. The probation officer shall submit the presentence report and guidelines no less than 5 days before the sentencing hearing. The parties are expected to file any motions or objections for a hearing in advance of the scheduled sentencing to avoid inconvenience to sentencing witnesses. *The clerk will update CCMS with the hearing date and include the scheduled hearing date in the conviction order. The clerk shall notify probation and parole immediately after a jury trial of the scheduled sentencing date so the probation officer may begin preparing the presentence report.*

K. Conviction and Sentencing Orders. *The clerk will prepare all conviction and sentencing orders for entry by the Court within thirty (30) days of the event. The clerk shall use the form orders provided by the Supreme Court of Virginia. Once the Court enters the Order, the clerk will forward a copy of the order to each party. The clerk will include an administrative control date for sentenced defendants that allows the clerk to review the list of defendants requiring preparation of sentencing orders. Upon entry of the sentencing order, the clerk will update CCMS by closing the case and removing it from the active docket.*

L. Other Orders. The Court has prepared form orders for continuance, substitution of counsel, bond, election of jury or bench trial, and first-time offender disposition. The parties should prepare these orders in advance of calling the case for presentation and entry by the Court. In the event the matter is contested, the Court will direct the parties upon reaching a decision. The

form orders are included in the appendix to these Rules. *The clerk will update CCMS and CIS with information from these orders.*

M. Motion for Court Reporter. A party requesting authorization for a court reporter at the preliminary hearing of a case in the District Court must file a written motion detailing the nature of the pending charges and the necessity for preservation of the testimony at the preliminary hearing. The moving party must prepare a proposed order authorizing the court reporter and transcription and obtain endorsement of opposing counsel. *The clerk will forward the original motion and order to the Court for consideration and entry.*

N. Appeals. A party requesting an appeal must file a notice of appeal in the form required by the Rules of the Supreme Court. Defense counsel is expected to continue representing the defendant through the appeal stages unless the Court enters an order relieving counsel upon written motion and hearing. A party noticing and appeal must also file a proposed order for the preparation of trial transcripts indicating the dates of each hearing and trial that are at issue for the appeal. Counsel is encouraged to review the Rules of the Supreme Court of Virginia in order to perfect the appeal. Motions for bond pending appeal must be filed in writing and scheduled for a hearing date separate from the sentencing hearing. *The clerk shall follow the steps for appeals provided in the OES Clerk's Manual.*

O. Misdemeanor and traffic appeals. The clerks and judges of the district courts will recognize defendants to appear for the following Term Day for trial of the appeal. Defense counsel is expected to continue representation unless the Court enters an order relieving counsel upon written motion and hearing. Defense counsel or the defendant acting *pro se* must notify the Court at the Term Day that trial by jury is requested; otherwise, the Court will deem trial by jury is waived. *The clerk will use the OES form order for misdemeanors to document all activity and dispositions on these matters.*

Docket Control Procedures and Local Rules in Civil Actions

General Procedures

The Court expects plaintiff's filing civil complaints to exercise diligence in attempting timely service of process on defendant(s). Plaintiffs seeking service by a Virginia Sheriff must provide complete information to the clerk. Plaintiffs who will use private process service or service by publication should communicate that method to the clerk. *The Clerk will enter an administrative control date in CCMS for 6 months after filing to send a notice to appear at the following Term Day if service of process on the defendant is not returned.*

The Court requires a scheduling status conference with the plaintiff 6 months after filing a complaint if return of service is not filed with the clerk by that date. [Rule 1:20]. The Court will send notice of discontinuance eleven months after filing the complaint, and the Court will discontinue the case after one year of filing. [Rule 3:5]. *The Clerk will enter an administrative control date for counsel to appear six months after the complaint is filed. Thereafter, the Clerk will enter an administrative control date of 11 months after filing the complaint to send a notice*

of discontinuance for lack of service if not accomplished by plaintiff. The Clerk will also place a date 30 days from the notice to have the Court enter an Order of Discontinuance if service is not accomplished within the 30 allotted days. If service is accomplished, then the Clerk should set an administrative control date 30 days from service to send the parties a notice to appear at Term Day to schedule a trial date.

Thirty (30) days after service is accomplished, the Court will send both parties a notice to appear at Term Day to schedule a trial date. [Rule 1:19 & 4:13]. The parties must appear for the scheduling conference with available dates to schedule the trial within 12 months of the filing date of the complaint. The parties must also provide an accurate estimate of time required for the trial. Since the Court adheres to a strict continuance policy provided in the local rules, the parties are expected to determine witness and expert witness availability before scheduling a trial date. The Court will enter a standard pretrial scheduling order at Term Day. [Rule 1:18].

The Court invites parties seeking a trial lasting one day or less to contact the Court Administrator at 11circuit@vacourts.gov to schedule the trial in advance of the Term Day. If the parties schedule the trial 24 hours prior to the Term Day, then the Court Administrator has the Court's permission to excuse the parties from appearing.

Parties seeking multi-day trials must appear at Term Day, again with witness and expert witness availability within 12 months of the filing date of the complaint. The Court will expect both parties to provide explanation regarding the complexity of issues, number of witnesses, and length of testimony. The Court requires at least one pretrial conference 30 days prior to the trial date, and the Court encourages additional pretrial conferences when the parties believe the hearing will be productive in reducing issues and time required for trial. [COV §8.01-275.1].

The Court's docketing procedures are instituted to promote completion of cases within 12 months of filing the complaint. All scheduling questions must be directed to the Court Administrator since the Clerk does not have the Court's permission to schedule or continue cases.

A. Trial Dates and Scheduling Orders.

1. Applicability of Scheduling Order. Scheduling orders are preferred in all civil actions except in cases handled summarily, e.g., name changes, and cases that by their nature are attendant with delays over which the Court has little control, e.g., receiverships and suits where the object is the sale of land. *The parties shall prepare the pretrial scheduling orders for Term Day or when the case is scheduled outside of Term Day.*

2. Cases in Which One or All Parties are Represented by Counsel. Upon the filing of a responsive pleading to a complaint or the proper papers in a case appealed from a District Court, counsel for all parties are encouraged to contact the Court Administrator, 11circuit@vacourts.gov to preset the case for trial. The Court Administrator has authority to schedule a pretrial conference and trial date for all civil cases except jury trials lasting more than one day. If the parties request a multi-day jury trial, then both counsel must appear at the Term Day to explain the need for scheduling multiple days.

3. Scheduling conference. If a case is not preset, notice of a scheduling conference will be sent to counsel of record and unrepresented parties. Trial may be scheduled with the Court Administrator prior to the scheduling conference. Scheduling conferences will take place on Term Day.

4. Pretrial Conferences. The Court encourages pretrial conferences and requires at least one when scheduling a two day jury trial or judge trial lasting longer than one day. The pretrial conference will be held thirty (30) days prior to the trial date. The Court will consider all motions *in limine*, settlement progress, pretrial motions, stipulations, trial management, and other issues that will aid in the disposition of the case.

5. Cases without Scheduling Orders. In those cases in which pretrial scheduling orders are not entered, the Court will be guided by the standards, principles and objectives set out in and reasonably inferred from the Uniform Pretrial Scheduling Order in resolving disputes concerning discovery and other pretrial matters.

6. Continuance. The granting of a continuance does not otherwise affect the scheduling order as to cut-off dates for discovery, filing of witness and exhibit lists, etc., unless the Court specifically modifies the scheduling order.

B. Matters Pertaining to Trial

1. Jury Instructions. Counsel shall exchange copies of proposed instructions and provide copies of such instructions or the references thereto to the Clerk at least forty-eight (48) hours before trial. This rule shall not preclude the offering of additional instructions at trial where reasonable. Counsel will not be precluded from withdrawing instructions at trial.

2. Starting Time. Trials begin at 9:00 a.m. unless otherwise approved by the Court.

3. Verdict Forms. It shall be the duty of counsel for the plaintiff or an unrepresented plaintiff to prepare a verdict form and to provide opposing counsel or unrepresented party a copy thereof at the time of exchange of instructions.

C. Motions and Briefs

1. Motion to Continue. A continuance shall be granted only for good cause. See the Court's written continuance policy for further guidance. Once a motion hearing or trial is scheduled and docketed by the Court, then a party moving to continue must file a written motion and proposed order with endorsement of opposing parties or counsel prior to the scheduled hearing or trial date. The hearing or trial will only be continued and parties released from appearing after the Presiding Judge has entered the proposed order or otherwise notified the parties through the Court Administrator.

2. Motion *in Limine*. The Court will not hear motions *in limine* requiring more than five (5) minutes of argument on the morning of trial.

3. Motions in general. All motions shall be scheduled and heard by the Court using the following procedures:

(a.) **Scheduling.** Counsel of record may schedule hearings on written motions by contacting the Court Administrator.

(b.) **Notice.** Reasonable notice of presentation of a motion shall be served on counsel of record and unrepresented parties. Counsel or unrepresented parties shall make a reasonable effort to confer to resolve the subject of the motion and to determine a mutually agreeable hearing date and time.

(c.) **Hearing.** Except as otherwise provided herein, upon request of counsel of record for any party, or an unrepresented party, or at the Court's request, the Court shall hear oral argument on a motion. Argument on a motion for reconsideration or any motion in any case where a *pro se* incarcerated person is a party shall be heard orally only at the request of the Court. The Court may place reasonable limits on the length of oral argument.

4. Filing and Service of Briefs. Counsel of record may elect, or the Court may require, the parties to file briefs in support of or in opposition to a motion. Any such briefs should be filed with the Clerk and served on opposing counsel of record sufficiently before the hearing to allow the Court to consider the issues involved. Absent leave of court, if a brief in support of a motion is five (5) or fewer pages in length, the required notice and the brief shall be filed and served at least ten (10) days before the hearing and any brief in opposition to the motion shall be filed and served at least five (5) days before the hearing. If a brief will be more than five (5) pages in length, a briefing schedule may be determined by the Court at the request of the parties. Absent leave of court, the length of a brief shall not exceed twenty (20) pages, double-spaced.

D. Orders and Dismissal

1. In General. Orders reflecting the Court's ruling should be prepared promptly or submitted at the time of the ruling and shall reflect the date the ruling was rendered or the matter heard. Orders prepared after the hearing will be scheduled for presentation by the parties at the next Term Day with appearance of counsel required unless entered by the Court prior to the Order presentation date. *The Clerk will place the presentation of court order hearing on CCMS for the Term Day following the hearing unless scheduled further to a later Term Day by the Court at the hearing. Once a final Order is entered by the Court, the Clerk shall remove the case from the active docket on CCMS.*

2. Final Orders. Within thirty (30) days of the taking of a non-suit or a final settlement, counsel for the parties or unrepresented parties shall deliver the final order to the Clerk. The failure to deliver timely an appropriate order to the Clerk may result in the Court entering an order *sua sponte*. *The Clerk should immediately update CCMS to reflect that the case has concluded upon entry of the final order and remove any future dates from the system.*

3. Failure to Serve. If an action is not served within the time provided by Supreme Court Rule 3:5, the Clerk shall prepare a notice of discontinuance and send such notice to counsel for the plaintiff or to an unrepresented plaintiff.

E. Settlements Involving Infants and Others Under Disability (Va. Code Ann. 8.01- 424):

1. Filing. All petitions must be filed with payment of appropriate Clerk's fees before a hearing date is assigned.

2. Information regarding injury. The Court should be provided with medical records or reports that allow the court to determine the nature and extent of injuries, the nature and course of treatment, the resolution of the injury, the existence of any permanent injury, and the necessity of any future treatment.

3. Payment of Bills for Health Care Services. Bills for health care services are expected to be paid from any available collateral sources, such as medical payments coverage and health insurance, rather than from the settlement proceeds.

4. Payment of Proceeds into Court. Unless otherwise directed by the Court, it is the policy of the Court that all net proceeds be paid to Bank of Southside Virginia, General Receiver, to be held for the benefit of the child.

F. Judicial Settlement Conferences.

The Judges of the 11th Judicial Circuit will only refer cases to Judicial Settlement Conference ("JSC") where the clients have open minds and the JSC is on a parallel track with the trial. The JSC will not postpone a trial date if one is already set. With this understanding, the attorneys may file a Motion asking the Court to refer a case to JSC. If granted, the lawyers shall select the JSC Judge they want from the approved list found online and contact the Judge who will schedule it for hearing. Upon confirmation of a JSC Judge and a hearing date, the Court will enter an Order of Designation and Referral to Settlement Conference.

G. Contested Divorce and Equitable Distribution Cases.

1. Pretrial Conference. When a pretrial conference is required, it shall be scheduled with the Court Administrator no less than Thirty (30) days prior to trial. The purpose of the pretrial conference is to discuss settlement, a determination of the issues remaining for trial, to reach stipulations, and discuss any other matters which may aid in the disposition of the case. The parties and counsel shall attend the pretrial conference in person. Five (5) days prior to the pretrial conference the Pretrial Conference Brief and all worksheets and forms that are applicable to the case must be completed and exchanged by counsel and filed with the court.

2. Parent Education Seminar. If a child's custody, visitation or support is contested, the parents shall, prior to the trial date, show proof that they have attended an educational seminar on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities pursuant to Virginia Code § 20-13. Failure to attend may

result in the case being removed from the trial docket. The Court may grant an exemption from attendance of such program for good cause shown.

3. Exhibit and Witness List. Counsel shall exchange Thirty (30) days before trial and before the pretrial conference a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits or witness was through inadvertence.

4. Required Worksheets and Forms. Counsel shall file with the Court and opposing counsel not later than Thirty (30) days prior to trial and before the pretrial conference all worksheets and forms required by the Court applicable to the issues in this case: The Monthly Income and Expense Statement of each party, Child Support Guideline Worksheets and Proposed Equitable Distribution Schedules.

5. Appointment of Guardian *ad Litem*. The parties shall immediately file any request for the Appointment of a Guardian *ad Litem* providing in the motion the basis for appointment pursuant to Virginia Code §16.1-266. If the parties disagree on the appointment, then they shall schedule a hearing upon notice that no agreement on the issue can be reached.

6. Court Reporter. A court reporter is required for the trial and must be secured by the parties.

H. Sexual Violent Offender Cases. The Court has developed specific orders for use in sexual violent offender cases. The parties shall refer to the orders and comply with the terms of the order. The parties shall also review the timelines for these expedited cases. *The Clerk shall also review the orders and discuss the scheduling and updates to CCMS. The Clerk will close-out a case file/number on CCMS after entry of the final order at the annual review date. The Clerk will thereafter immediately open another case file/number and assign the review date to CCMS scheduled at the hearing on the last annual review which will be included in the final order.*

I. Not Guilty By Reason of Insanity. These cases are transferred to the Civil Clerk for review hearings on continued custody or conditional release. *At the conclusion of each annual review, the Clerk shall close out the case on CCMS and immediately assign a future review date on CCMS to the new case file/number.*

J. Motions to Re-instate a Case. Parties filing a motion to re-instate a case on the docket for previously concluded chancery matters shall file the motion to re-instate, affidavit or sworn pleading, and order to re-instate. If the matter involves a show cause, then the motion and order to show cause must be filed for the court to consider. *The petitioner shall contact the Court Administrator to schedule a hearing date on the show cause in order to include the date and time in the Order to Show Cause. The Clerk shall have the defendant served and place the hearing date on CCMS. Other motions to re-instate shall be scheduled by the parties after the Clerk has sent the parties notice to appear at the next term day for a scheduling conference.*

Continuance Policy

A. Docket Control Procedures regarding Continuances: Once a case has been set for trial, a continuance of that trial date will be granted only for good cause. All requests for continuances should be made in writing at the **earliest** possible time in advance of the trial date.

B. Grounds for Continuances Generally Deemed Sufficient

1. sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;

2. facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled.

C. Grounds for Continuance Generally Deemed Insufficient

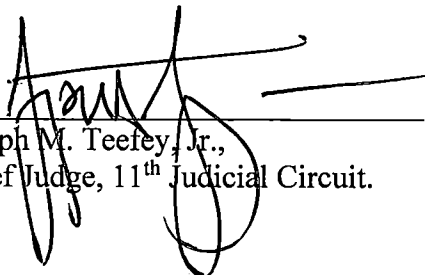
1. the case has not previously been continued;
2. the parties agree to continue;
3. the case probably will settle if a continuance is granted;
4. discovery has not been completed;
5. new counsel has entered an appearance in the case or a party wants to retain new counsel;
6. unavailability of a witness who has not been subpoenaed;
7. plaintiff has not yet fully recovered from injuries when there is no competent evidence available as to when plaintiff will be fully recovered;
8. a party or counsel is unprepared to try the case for reasons including, but not limited to the party's failure to maintain necessary contact with counsel;
9. the failure to schedule suppression motions on a timely basis unless the Commonwealth failed to comply with a discovery order; or
10. a police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date.

ADOPTION OF NOTTOWAY CIRCUIT COURT LOCAL RULES

These Local Rules of Court for the County of Nottoway Circuit Court are hereby adopted this 1st day of May, 2025, by the Judges of the 11th Judicial Circuit, pursuant to Rule 1:15 of the Supreme Court of Virginia. In conformity with said Rule 1:15, the Clerk of the Nottoway Circuit Court shall spread these Local Rules in the Common Law Order Book and forward a copy by electronic mail to all counsel regularly appearing before the Nottoway Circuit Court. Upon request of any attorney filing a cause in the Nottoway Circuit Court, the Clerk will also provide a written copy. The Court will forward a copy of these Local Rules to the Office of the Executive Secretary of the Supreme Court of Virginia for inclusion on the local page of the Nottoway Circuit Court.

It is so ORDERED.

Enter: May 1, 2025.



Joseph M. Teehey, Jr.,
Chief Judge, 11th Judicial Circuit.

Expedited Cases.

The Code of Virginia provides that certain cases must be expedited on the docket of Circuit Courts. The Code of Virginia also provides for the timing of certain cases. The Court, clerks, and parties should refer to the Code of Virginia to determine if a case requires special scheduling on the docket. The following is an index of known Virginia Code Sections that require special docketing:

INDEX OF EXPEDITED CASES

<u>Section</u>	<u>Subject Matter</u>	<u>Language</u>
2.2-3713	FOIA	heard within 7 days
3.2-3908	agriculture trade secrets	expedited consideration
3.2-5216	adulterated products	move to head of docket and hearing as soon as practicable
3.2-5414	diseased poultry	move to head of docket and hearing as soon as practicable
5.1-1.7	aviation injunctions	give priority on docket
8.01-546.2	levy or seizure exemption	hearing no later than 10 days from filing
13.1-669.1	corporate elections	dispose of application on expedited basis
13.1-773	inspect corporate records	dispose of application on expedited basis
13.1-773.1	inspect corporate records	dispose of application on expedited basis
13.1-935	inspect corporate records	dispose of application on expedited basis
13.1-935.1	inspect corporate records	dispose of application on expedited basis
13.1-1281	inspect business trust	dispose of application on expedited basis
15.1-1507	county grievance app	hearing within 30 days
15.2-1905 (see also 15.2-1636.9, 2259, 2654, 3001)	county condemnation	placed on privileged docket, precedence over all other civil matters
15.2-1636.9	compensation board appeal	45 days for hearing
15.2-2259	planning commission	priority on civil docket, hear expeditiously
15.2-2654	bond validity	precedence over all other business of court
15.2-3001	local boundary adj.	priority over all cases, even criminal cases

16.1-131.1	const. of statute	priority on docket
16.1-241	juvenile abortion	expedited confidential appeal
16.1-278	agency services	advance appeal on docket
16.1-278.3	relief of care & custody advanced on docket to earliest practicable disposition	
16.1-279.1	protective order extension	precedence on docket
16.1-285.2	serious offender commit.	Schedule hearing within 30 days of request for release
16.1-289.1	juv. Program reconsider	hearing within 30 days
16.1-296	juv. Delinquency app.	45 days from appeal notice
16.1-296	term. Parental rights	90 days from appeal notice
16.1-296	protective order	precedence on docket
18.2-384	obscene book decl.	two weeks from filing
18.2-57.3	terminate def. disposition	30 days from request
19.2-68	eavesdropping order	timelines provided in hearing for process and hearing
19.2-124	criminal bond app.	Expedited hearing
19.2-152.8	emergency protective order	precedence on court docket
19.2-152.9	prelim. Protective order	precedence on docket
19.2-152.10	protective order	precedence on docket
19.2-158	criminal advisement	first court in session after arrest
19.2-182.3	NGRI commitment	expedited basis
19.2-182.5	NGRI confinement	priority over all pending matters
19.2-182.6	NGRI cond. Release	expedited basis and priority over all civil cases
19.2-182.8	NGRI release revocation	expedited basis and priority over all civil cases
19.2-327.1	test scientific evid.	Hearing between 30-90 days of filing
20-79.1	child sup. Income deduction	between 10-45 days of filing
20-108	custody military deployment	expedited on docket
20-124.8	temp. ord. military deploy.	Precedence on docket not to exceed 30 days

20-124.9	est. ord. military deploy.	Expedited on docket
20-146.29	child custody enforcement	next judicial day
20-146.35	UCCJEA appeal	accord with expedited appeals procedures
21-424 possible delay	drainage projects	precedence over all other cases except writs, heard with least
22.1-97	education funds	given first priority, heard expeditiously
24.2-235	local officer removal	precedence over all other cases on docket
24.2-422 soon as possible	voter registration denial	precedence over all other business of court, heard as
24.2-433 judges	election contests	precedence over all other court business or of any of the
27-98.5	fire code warrant	expeditious in camera viewing
32.1-48.010 (see also 48.013)	disease isolation	within 48 hours of temp. det. Order
32.1-309.2	dead body disposition	hearing in one day
36-96.10	fair housing subpoena	priority over all other not otherwise given priority
37.2-821 as possible	invol. Commitment	priority over all other pending matters and heard as soon
37.2-906	SVP probable cause	hearing within 90 days of petition
37.2-908	SVP trial	trial within 120 days of probable cause hearing
37.2-913	SVP emergency custody	hearing shall be given priority on docket
37.2-1101	Invol. Treatment Auth.	Shall schedule on expedited basis
38.2-5011	Birth Injury Act	shall be placed upon privileged docket
40.1-49.4	Work Safety Code	shall promptly set matter for hearing
40.1-49.12	Work Safety Code Warrant	conduct expeditiously in camera review
41.1-17	waste lands	hearing not less than 30 days or more than 60 days
46.2-301.1	impoundment of vehicle	precedence over all other matters on docket
46.2-391.2	DUI admin. Lic. Susp.	precedence over all other matters on docket

53.1-40.1	inmate invol. Treatment	shall give appeal priority
53.1-40.4 possible	mental patient admission	priority over all other pending matters, heard as soon as
59.1-508.15	computer transaction act	expedited judicial review
60.2-631 Commonwealth is a party	unemployment benefits	preference over all other cases except when
63.2-1208	adoption	shall expeditiously consider petition
63.2-1230	placement of child	earliest possible disposition
64.2-445	probate appeal	precedence on court docket