



Judicial Council of **VIRGINIA**



Report to the General Assembly
and Supreme Court of Virginia



2006

2006

Judicial Council of Virginia


Report to the
General Assembly
and
Supreme Court of Virginia



General Information for Individuals With Disabilities

The Court System has adopted a policy of non-discrimination in both employment and in access to its facilities, services, programs and activities. Individuals with disabilities who need accommodation in order to have access to court facilities or to participate in court system functions are invited to request assistance from court system staff. Individuals (not employed by the court system) with disabilities who believe they have been discriminated against in either employment or in access may file a grievance through local court system officials. Those who need printed material published by the court system in another format or those who have general questions about the court system's non-discrimination policies and procedures may contact the Office of the Executive Secretary, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219. The telephone number is 804/786-6455; communication through a telecommunications device (TDD) is also available at this number.

The Judicial Council of Virginia
2006 Report to the General Assembly and Supreme Court of Virginia
Supreme Court of Virginia, Richmond, Virginia
Published January 10, 2007



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January 10, 2007

TO: Members of the General Assembly and Justices of the Supreme Court of Virginia

It is my pleasure to submit to you the 2006 Report of the Judicial Council of Virginia as required by Code § 17.1-705. I am happy to report that Virginia's judicial system has made significant progress during the past 12 months.

The second commission to study the future of Virginia's judiciary, the Commission on Virginia's Courts in the 21st Century: To Benefit All, To Exclude None, will issue its final report to the Judicial Council of Virginia and the Supreme Court in January 2007. This Commission has thoroughly evaluated Virginia's judicial system, and the Commission will make recommendations that will enable us to meet the future needs of all Virginians. The Commission's recommendations will be considered by the Judicial Council of Virginia and the Supreme Court. Recommendations approved by the Supreme Court will serve as a basis for the judicial system's future strategic plans.

The judicial system has implemented many significant initiatives that will improve the operations of Virginia's courts. In 2006, the Judicial Performance Evaluation program began its first evaluations of Virginia's judges. We remain confident that this program will serve as an important self-improvement instrument for Virginia's judges. The Statewide Drug Treatment Court Advisory Committee has worked hard to provide guidance and uniform standards for drug courts throughout this Commonwealth. The Supreme Court of Virginia has undertaken a comprehensive evaluation of Virginia's magistrate system. The Supreme Court will also seek to protect confidential data contained in public court records.

Each year, millions of Virginians interface with our judicial system. Our fellow Virginians entrust the judiciary with the resolution of their most personal and intimate disputes. The judicial system needs sufficient resources that will enable us to fairly, promptly, and efficiently adjudicate these disputes. The Judicial Council of Virginia recommends the creation of additional judgeships in the 10th, 26th, 27th, and 30th judicial circuits. Supporting documentation is attached to this report.

Thank you for your continued support of Virginia's judicial system.

Sincerely,

A handwritten signature in cursive script that reads "Leroy Rountree Hassell, Sr.".

Leroy Rountree Hassell, Sr.

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The Judicial Council of Virginia

The Honorable Leroy Rountree Hassell, Sr.	Chief Justice, Supreme Court of Virginia
The Honorable Walter S. Felton, Jr.	Chief Judge, Court of Appeals of Virginia
The Honorable Randall G. Johnson*	Judge, Thirteenth Judicial Circuit
The Honorable S. Bernard Goodwyn	Judge, First Judicial Circuit
The Honorable William N. Alexander II	Judge, Twenty-second Judicial Circuit
The Honorable Leslie M. Alden	Judge, Nineteenth Judicial Circuit
The Honorable Gary A. Hicks	Chief Judge, Fourteenth Judicial Circuit
The Honorable Birg E. Sergent	Chief Judge, Thirtieth Judicial Circuit
The Honorable Alfreda Talton-Harris	Judge, Fifth Judicial District
The Honorable Randal J. Duncan	Judge, Twenty-Seventh Judicial District
The Honorable Teresa M. Chafin	Judge, Twenty-Ninth Judicial Circuit
The Honorable Kenneth W. Stolle	Member, Senate of Virginia
The Honorable Walter A. Stosch**	Member, Senate of Virginia
The Honorable William J. Howell**	Speaker, Virginia House of Delegates
The Honorable David B. Albo**	Member, Virginia House of Delegates
The Honorable Kenneth R. Melvin**	Member, Virginia House of Delegates
William G. Broaddus, Esquire	Attorney-at-law, Member of the Bar of the City of Richmond
George W. Wooten, Esquire	Attorney-at-law, Member of the Bar of the City of Roanoke
Karl R. Hade	Ex-officio Secretary

*Judge Johnson passed away August 18, 2006

**By invitation of the Chief Justice of Virginia

Committees of the Judicial Council of Virginia

Executive Committee

The Honorable Leroy Rountree Hassell, Sr., Chief Justice, Chair

The Honorable Walter S. Felton, Jr., Chief Judge

The Honorable Randall G. Johnson, Judge

Information and Public Relations Committee

The Honorable Walter S. Felton, Jr., Chief Judge, Chair

The Honorable William N. Alexander, II, Judge

The Honorable Paul M. Peatross, Jr., Judge

Mr. George W. Wooten, Esquire

Ex-Officio:

The Honorable D. Eugene Cheek, Judge, Chair, Information and Public Relation Committee, Judicial Conference of Virginia for District Courts

Criminal Procedure Committee

The Honorable S. Bernard Goodwyn, Judge, Chair

The Honorable Birg E. Sergent, Judge

Ex-Officio:

The Honorable Kathleen H. MacKay, Judge, Chair, Probation, Parole and Corrections Committee, Judicial Conference of Virginia

The Honorable Norman DeV. Morrison, Judge, Chair, Probation, Parole and Corrections Committee, Judicial Conference of Virginia for District Courts

Judicial Administration Committee

The Honorable William N. Alexander, II, Judge, Chair

The Honorable Walter S. Felton, Jr., Chief Judge

Mr. William G. Broaddus, Esquire

Ex-Officio:

The Honorable Daniel R. Bouton, Judge, Chair, Judicial Administration Committee, Judicial Conference of Virginia

The Honorable J. Martin Bass, Judge, Chair, Judicial Administration Committee, Judicial Conference of Virginia for District Courts

Judicial Compensation, Retirement and Insurance Committee

The Honorable William N. Alexander II, Judge, Chair

The Honorable Alfreda Talton-Harris, Judge

The Honorable Randal J. Duncan, Judge

Ex-Officio:

The Honorable Malfourd W. Trumbo, Judge, Chair, Judicial Compensation, Retirement and Insurance Committee, Judicial Conference of Virginia

The Honorable Louis A. Sherman, Judge, Chair, Judicial, Compensation, Retirement and Insurance Committee, Judicial Conference of Virginia for District Courts

Judicial Conduct Committee

The Honorable Leslie M. Alden, Judge, Chair

The Honorable Birg E. Sergent, Judge

Mr. George W. Wooten, Esquire

Ex-Officio:

The Honorable J. Michael Gamble, Judge, Chair, Judicial Conduct Committee, Judicial Conference of Virginia

The Honorable Thomas L. Murphey, Judge, Chair, Judicial Conduct Committee, Judicial Conference of Virginia for District Courts

Judicial Education Committee

The Honorable Paul M. Peatross, Judge, Chair

The Honorable Leslie M. Alden, Judge

Ex-Officio:

The Honorable Richard D. Taylor, Judge, Chair, Judicial Education Committee, Judicial Conference of Virginia

The Honorable Lucretia A. Carrico, Judge, Chair, Judicial Education Committee, Judicial Conference of Virginia for District Courts

Law Revision Committee

The Honorable William N. Alexander II, Judge, Chair

The Honorable S. Bernard Goodwyn, Judge

The Honorable Alfreda Talton-Harris, Judge

The Honorable William J. Howell, Speaker, Virginia House of Delegates

Ex-Officio:

The Honorable A. Ellen White, Judge, Chair, Law Revision Committee, Judicial Conference of Virginia for District Courts

Advisory Committee on Rules of Court

Mr. Kent Sinclair, Professor of Law, Chair

The Honorable Arthur Kelsey, Judge

The Honorable Stanley P. Klein, Judge

The Honorable Nolan B. Dawkins, Judge

The Honorable Julian H. Raney, Jr., Judge

The Honorable Melvin R. Hughes, Jr., Judge

The Honorable David A. Bell, Clerk

Mr. Hamilton Bryson, Professor of Law

Ms. Elizabeth M. Allen, Esquire

Mr. Craig S. Cooley, Esquire

Mr. William D. Dolan III, Esquire

Mr. William B. Poff, Esquire

Mr. Hunter W. Sims, Jr., Esquire

Ms. Joan Ziglar, Esquire

Mr. John Charles Thomas, Esquire

Mr. Edward B. Lowry, Esquire

Standing Committee Regarding Commissioners of Accounts

Mr. William G. Murray, Esquire, Chair

Mr. Edward R. Slaughter, Jr., Esquire

Mr. J. Hume Taylor, Esquire, Secretary

The Honorable Robert W. Wooldridge, Jr., Judge

Ms. Nan L. Coleman, Esquire

Mr. Edward R. Stolle, Esquire

Mr. Robert T. Danforth, Professor of Law

Mr. Thomas Cary Gresham, Esquire

Ms. Suzanne W. Doggett, Esquire

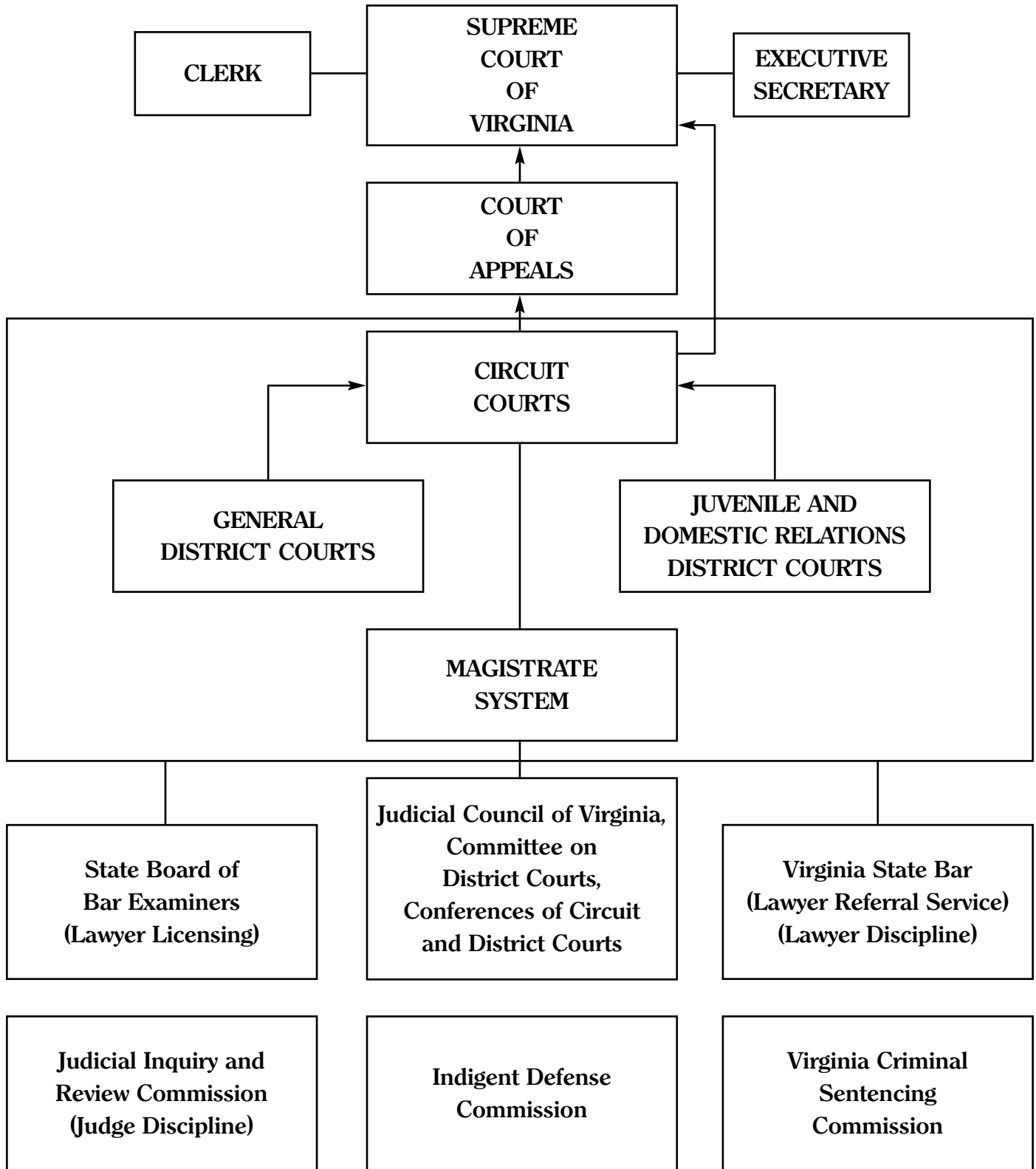
The Honorable Paul C. Garrett, Clerk

Mr. Edwin A. Bischoff, Esquire

Mr. H. Victor Millner, Jr., Esquire

The Honorable S. Bernard Goodwyn, Judge

Virginia Judicial Branch



← Route of Appeal



Judicial Council of **VIRGINIA**

Proceedings of the Judicial Council



2006



Chapter 1

Proceedings of the Judicial Council of Virginia

INTRODUCTION

The Judicial Council of Virginia was established by statute in 1930 and is charged with the responsibility of making a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the Commonwealth of Virginia. It is responsible for examining the work accomplished and results produced by the judicial system and its individual offices and courts. Central to meeting these responsibilities is the preparation and publication of the court system's biennial comprehensive plan.

During 2006, the judiciary continued to make progress under the strategic plan for 2004-2006, *Bringing the Future to Justice: Charting the Course in the New Dominion*. Some of the actions required by the strategic plan are the direct responsibility of the Judicial Council or the Office of the Executive Secretary (OES), while others directly involve local courts. The Judicial Council presents in this report a status report on the Plan's evolution and implementation in order to inform members of the General Assembly, judges and court personnel, the Bar, media, and the public about the judiciary's efforts to better serve the citizens of Virginia.

This report also sets forth the legislative recommendations of the Judicial Council for the 2007 Session of the General Assembly and reviews various other activities of the Council throughout 2006.

LEGISLATIVE PROPOSALS FOR THE 2007 SESSION OF THE GENERAL ASSEMBLY

Request for New Judgeships in the Tenth, Twenty-sixth, Twenty-seventh and Thirtieth Judicial Circuits

During 2006, the Judicial Council considered requests from four Judicial Circuits for an additional judgeship. After a careful review of these circuit's caseload and judicial workload, as well as interviews with judges and members of the bar in the circuit, the Council recommends an additional judgeship in

The Judicial Council presents in this report a status report on the [Strategic] Plan's evolution and implementation . . . [and] also sets forth the legislative recommendations of the Judicial Council for the 2007 Session of the General Assembly and reviews various other activities of the Council throughout 2006.

the Tenth, Twenty-sixth, Twenty-seventh, and Thirtieth Judicial Circuits, effective July 1, 2007. A detailed analysis of workload for these circuits can be found in Chapter 3 of this report.

Jury Selection in Condemnation Cases

The Judicial Council recommends to the General Assembly legislation that provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors.

PROCEEDINGS OF THE JUDICIAL COUNCIL

Commission on Virginia Courts in the 21st Century

The Chief Justice challenged the Commission to make recommendations that will safeguard our cherished judicial system and prepare it to address the opportunities and the challenges that we can foresee for the next ten to twenty years.

On October 6, 2005, the judiciary's second futures commission, Virginia Courts In The 21st Century: To Benefit All, To Exclude None, began its year-long endeavors. At this inaugural meeting, the Chief Justice challenged the Commission to look at what the citizens of the Commonwealth will need from the judicial system in the year 2016 and beyond. He indicated that the Commission's subtitle "To Benefit All, To Exclude None" should be a guide to the members as they look at what the future may hold and ensure that they remember that the judicial system must continue to provide—and be perceived as providing—justice for all Virginians. The Chief Justice challenged the Commission to make recommendations that will safeguard the judicial system and prepare it to address the opportunities and the challenges that we can foresee for the next ten to twenty years.

Working in sixteen subcommittees, the Commission's five task forces developed 209 recommendations that were submitted to the Commission in June. Of these recommendations, 181 received preliminary approval and were disseminated for public comment. After final recommendations and comments were presented, the Commission approved the substance of a final report at its closing meeting on October 6, 2006. The Commission will officially present the printed version of its final report to the Chief Justice on January 26, 2007. Following review and adoption by the Judicial Council and Supreme Court, the recommendations will become the basis for future strategic planning within the Virginia courts. Additional information about the futures commission can be found in Chapter 4.

Revisions to Guidelines for Certification as a Court-Referred Mediator

Virginia is one of only a handful of states that requires a mentorship, in addition to training, in order to be certified as a court-referred mediator. Experienced mediators who have completed specific requirements may serve as mentors to prospective mediators. Mentors contribute to the profession by coaching prospective mediators and by sharing their knowledge and expertise.

The Dispute Resolution Services office of the OES oversees the certifica-

tion process and relies on the information provided by and the recommendations of mentors in the completed *Verification of Observation, Mentee Evaluation*, and *Mentee Portfolio* forms. Those mentors not meeting expectations are informed of any concerns with respect to their performance, including insufficient completion of the *Verification of Observation, Mentor Evaluation*, and *Mentee Portfolio* forms as well as inadequate pre- and post-mediation de-briefings with mentees.

Revised Mentorship Guidelines were approved by the Judicial Council in October 2006. The goals of the revisions are to ensure that:

- 1) prospective mediators receive meaningful learning opportunities during the mentorship process and gain valuable insights and experience;
- 2) mentors better understand and fulfill their role as a guide and evaluator during the mentorship process;
- 3) information regarding the mentee's skills that require additional work is shared between mentors to provide continuity in the learning experience of the mentee and an opportunity to foster growth and increased competency with each successive mediation; and
- 4) the mentor's feedback and recommendation for certification is substantiated by supporting documentation.

Indigent Defense Study Working Group

In September 2006, Chief Justice Hassell formed the Indigent Defense Study Working Group to consider the improvement of compensation for court appointed indigent defense counsel. The Chief Justice chaired the Working Group and Executive Secretary Karl Hade was among the participants. OES staff provided research support. After reviewing information on other states' indigent defense systems and fiscal impact data, the Working Group recommended substantial changes to the compensation structure of assigned counsel including an increase in the range of compensation for court-appointed attorneys and the permitting of waivers from the top of the range for extraordinary and highly complex cases.

Magistrate Study Group

Chief Justice Hassell formed the Magistrate Study Group pursuant to the Appropriations Act - Item 30 G (Special Session I, 2006) to undertake a comprehensive assessment of Virginia's magistrate system, including the selection, training, supervision, accountability, and scheduling of magistrates, and to prepare a report of its findings and recommendations. Letters of invitation were sent in November 2006. The first meeting of the Study Group is scheduled for January 30, 2007. Chief Judge Thomas Shadrick of the Second Judicial Circuit has been named the chair of the Study Group. OES staff will provide support. The report is scheduled for completion in time for the 2008 legislative session.

Judicial Performance Evaluation Program

During 2005, work began on the statewide implementation of a program

After reviewing information on other states' indigent defense systems and fiscal impact data, the Working Group recommended substantial changes to the compensation structure of assigned counsel[.]

A permanent Judicial Performance Evaluation Commission determines JPE policy and oversees and maintains the effectiveness of the program.

There is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes.

for judicial performance evaluation (JPE). The program is intended to provide judges with feedback concerning their job performance to make them aware of areas in which they could improve the handling of their duties. In addition, the program will provide the General Assembly, which is responsible for electing judges, with objective criteria by which to evaluate judges' job performance when they are being considered for subsequent terms in office. A permanent Judicial Performance Evaluation Commission determines JPE policy and oversees and maintains the effectiveness of the program.

The Commission, chaired by Justice Barbara M. Keenan, convened in January 2006 to begin its work. During 2006, the JPE Program contracted with Virginia Commonwealth University's Survey and Evaluation Research Laboratory (SERL) to send, receive, and interpret surveys about the judges being evaluated. The first evaluations began in December 2006.

The Program Director spent a great deal of the year on process development and the education of individuals taking part in the evaluation process. Her efforts included working with clerks of court to develop procedures for the collection of information about attorneys who would be surveyed; developing and delivering training for all judges who will be evaluated, as well as for all retired judges who will serve as observer/facilitator judges; and actually commencing the evaluation program for judges who are, based on their terms, scheduled for first-of-term, mid-term, or end-of-term evaluations. Additional information about the Judicial Performance Evaluation Program can be found in Chapter 5.

Drug Treatment Court Program

In 2004, the General Assembly recognized that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. The Drug Treatment Court Act expressed the General Assembly's commitment to enhance public safety by facilitating the creation of drug treatment courts as a means to fulfill these needs. The Supreme Court of Virginia was authorized to provide administrative oversight for the implementation of the Act.

The Supreme Court of Virginia is also responsible for implementing the Statewide Drug Treatment Court Advisory Committee, chaired by the Chief Justice and comprised of members who represent organizations involved with drug treatment court programs. The purposes of the Committee include recommending standards and planning, assisting with program evaluation, and encouraging interagency cooperation. The Act also directs the formation of local drug court advisory committees to establish local eligibility and participation criteria, as well as operational policies and procedures.

Among the Advisory Committee's efforts in 2006 was the development of a web-based drug treatment court management information system that, once fully operational, will allow real-time data to be reported locally and statewide. The Committee also worked to ensure continued funding of the 29 existing

programs, reviewed and adopted DUI Drug Treatment Court Standards and continued work to develop standards for the family drug treatment court programs. The Committee deemed the prior drug treatment court evaluation inconclusive and agreed to continue the evaluation process. In addition, the Supreme Court of Virginia provided a Virginia Drug Treatment Court Programs web-page on the Virginia Judicial System website this year. Additional information about the Drug Treatment Court Program in Virginia can be found in Chapter 6.

Report on Capital Case Judicial Institute

The first annual Capital Case Seminar was held in June 2005 in Richmond, Virginia. Chief Justice Hassell implemented this training program based on the uniqueness and complexity of the issues that characterize capital cases. Each year, the chief judge of every circuit is asked to send one representative judge to attend this specialized training. Within a few years, all Virginia circuit court judges will have completed this three-day training seminar.

In 2006, as a result of completing a National Judicial College (NJC) survey on managing capital cases, Virginia was offered grant funding for the capital case seminar. Through a federal Bureau of Justice Assistance grant, the Supreme Court of Virginia partnered with the National Judicial College to examine the existing curriculum and further develop training on this topic. Two judges selected by the Chief Justice, the judicial education director, a professor from the Washington & Lee School of Law, and a program attorney from NJC attended a curriculum development program at NJC in December 2005. The resulting program, *Managing the Capital Case in Virginia*, was held in Richmond in June 2006. Twenty-eight circuit judges attended the three-day course. Presentations by distinguished Virginia federal and state judges, attorneys, and mental health experts included the following: *Overview of Federal Capital Jurisprudence, Overview of Virginia Capital Jurisprudence, Managing Pre-Trial Issues, Jury Selection, Mental Health Issues, The Penalty Phase, and Jury Submission Issues.*

Report on Chief Justice's Initiative for Training Counsel Representing Indigent Defendants

The Chief Justice announced in 2005 that the Supreme Court of Virginia and the Virginia State Bar would jointly sponsor a seminar designed to improve the representation of indigent criminal defendants in the Commonwealth of Virginia. Two recurring concerns in such representation have been compensation and training. Public Defenders and court-appointed attorneys do not have access to the same comprehensive program of training as Commonwealth's Attorneys.

The seminar was designed to be an annual event, free to all lawyers. They receive six MCLE credits for attendance. The first seminar was held on May 20, 2005, at the Richmond Convention Center and was broadcast simultaneously at the Southwest Virginia Higher Education Center in Abingdon. The

Public Defenders and court-appointed attorneys do not have access to the same comprehensive program of training as Commonwealth's Attorneys.

A proposal has been made to establish a domestic violence advisory committee. [T]o advise and guide the Chief Justice . . . and the Office of the Executive Secretary on improvements to the courts' handling of domestic violence-related cases and the content and format of domestic violence-related training[.]

program was also open to members of the Virginia judiciary and other members of the criminal bar in Virginia on a space available basis. Judge Walter S. Felton, Jr., was the Program Chair. The first seminar was well-attended, with capacity crowds at both locations.

A second seminar was held on April 7, 2006 at the Richmond Convention Center, again with a simultaneous broadcast in Abingdon. The program was open to members of the Virginia judiciary and members of the bar who represent indigent defendants. Steven D. Benjamin, Esquire, served as the Program Chair. The program drew substantial crowds at both locations.

Proposal to Establish a Domestic Violence Advisory Committee

A proposal has been made to establish a domestic violence advisory committee. The purpose of this advisory committee would be to advise and guide the Chief Justice of the Supreme Court of Virginia and the Office of the Executive Secretary on improvements to the courts' handling of domestic violence-related cases and the content and format of domestic violence-related training provided to judicial branch personnel, including judges, magistrates, and clerks.

As proposed, the advisory committee would have 14 members, half being selected from the judicial branch (judges, clerks, and magistrates) and half being selected from the bar, Court Services units, victim/witness programs, and the Virginia Sexual and Domestic Violence Action Alliance. Representatives of other agencies and organizations (e.g., a law enforcement official, medical examiner, etc.) would be invited to participate as needed.

Once established and operational, the advisory committee would work on an annual cycle in which it would meet three times—in November to review current efforts, in March to identify new efforts, and in July to develop a plan to address those efforts for the following calendar year.

The advisory committee proposal represents the latest of a series of efforts by the Supreme Court of Virginia related to domestic violence. The first was in 1993 when Chief Justice Carrico convened a state level coordinating council that recommended the establishment of a state level legislative commission charged to study issues related to domestic violence and make recommendations annually to the General Assembly.

Committee to Study Privacy and Access to Court Records

In 2005, the Chief Justice appointed a committee, consisting of judges, lawyers, clerks of court, Commonwealth's Attorneys, law enforcement representatives, members of the business community and citizens, to prepare proposed rules of Court addressing public access to court records. The charge of the Committee was to formulate a rule, to be presented to the Supreme Court of Virginia, that preserves the right of the public to review and access court records while protecting the confidential and sensitive material often found in court documents. The Committee balanced the interests of the public and press to free access against the interests of individuals who interact with the

courts.

The Committee, chaired by Judge Leslie M. Alden of the Fairfax Circuit Court, held its first meeting on November 17, 2005. It delivered its final report to the Chief Justice in December 2006. The report begins with a discussion of the many issues involved when considering access to court records, recognizing there are competing views on these issues with respect to the privacy of information. This discussion of the issues accompanies a draft set of proposed Rules of the Supreme Court that the Committee prepared in light of the *Guidelines for Public Access to Court Records* published in 2005 by the National Center for State Courts and the Justice Management Institute following more than five years of national effort endorsed by the Conference of Chief Justices and the Conference of State Court Administrators. The proposed Rules are in two parts. The first part is a set of proposed rules regarding access to records that addresses—in light of established Virginia law and principles—the issues related to public access to records, taking into account constitutional case law as well as basic court operational mechanics. The second part is a single proposed rule that would be added to Part One of the Rules to deal with the use of Social Security numbers and financial account identification information in court filings. The draft rules will be considered by the Judicial Council and the Supreme Court of Virginia.

The charge of the Committee was to formulate a rule . . . that preserves the right of the public to review and access court records while protecting the confidential and sensitive material often found in court documents.



Chapter 2

Bringing the Future to Justice: Status Report on the Implementation of the Judiciary's 2004-2006 Strategic Plan

INTRODUCTION

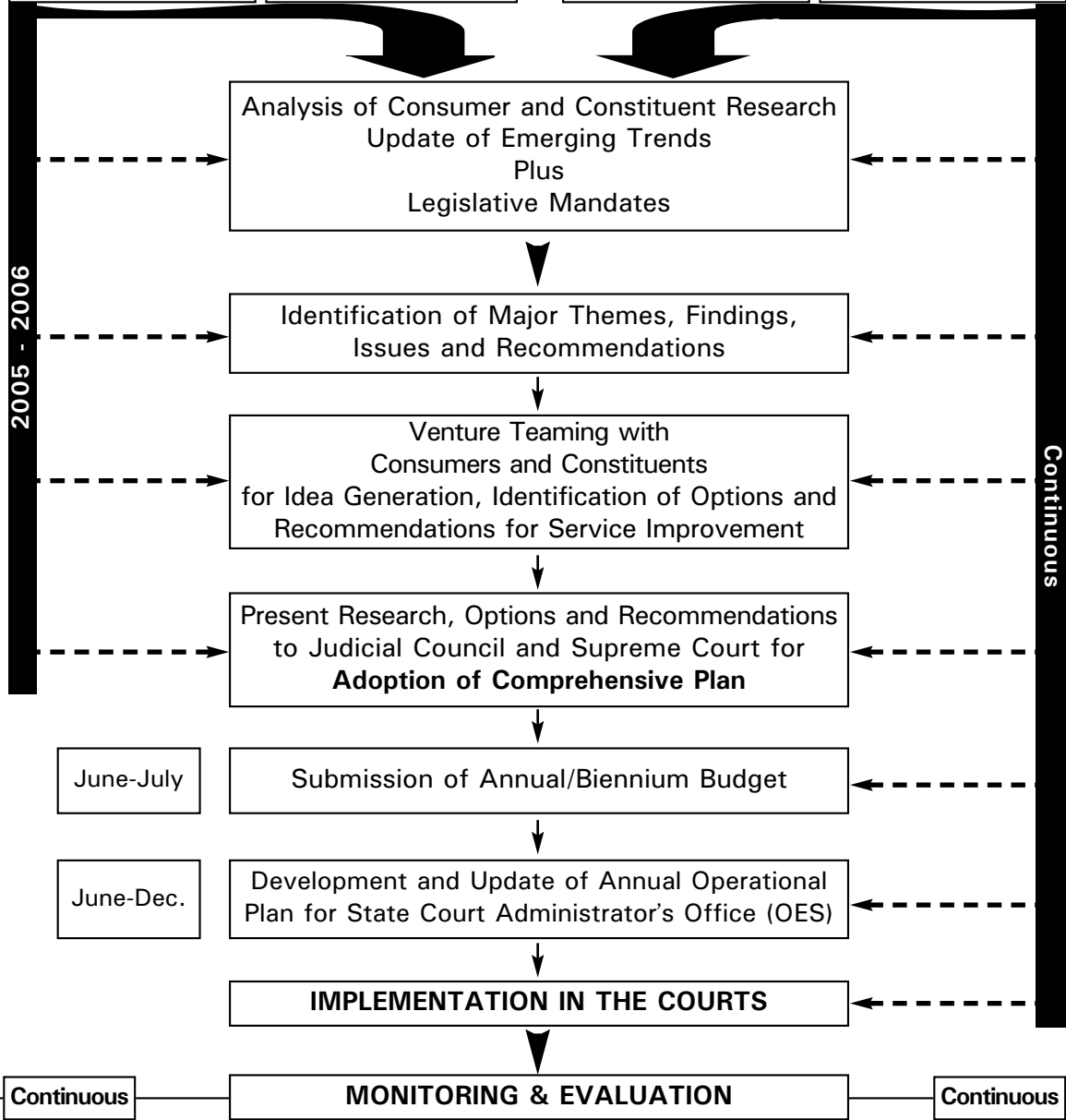
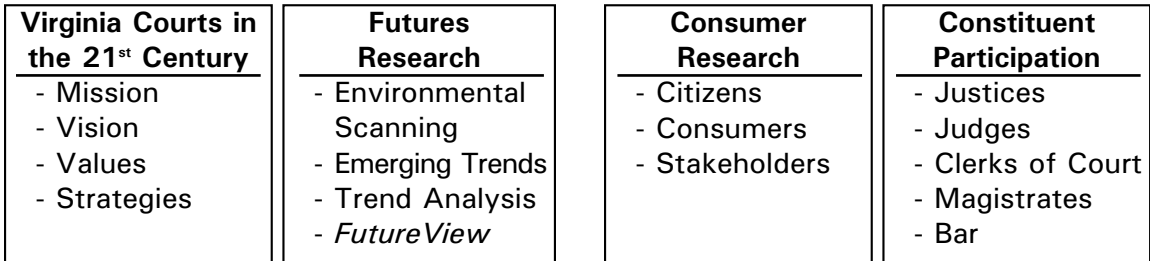
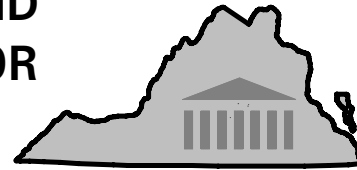
Maintaining the courts as a core function of our democratic form of government is critically important. In addition to the provision of basic functions of the justice system, the courts must also provide for special circumstances and anticipated needs, such as security and continuity of court services and personnel in times of natural and man-made disaster. To ensure that the court system handles these responsibilities effectively, the courts maintain an ongoing, comprehensive planning process that identifies the preferred course for meeting responsibilities and monitors progress toward identified ends.

In December, 2003, the Judicial Council adopted the 2004-06 strategic plan for Virginia's judicial system, "Bringing the Future to Justice." The plan also was reviewed and approved by the Supreme Court of Virginia. It contained 143 action items designed to enhance the quality of justice and the effectiveness of the court system. The Plan is not a static document. While the courts will operate under the Plan through June 30, 2007, implementation and modification of the Plan's objectives and Tasks continues within the comprehensive planning process in consultation with the Chief Justice of the Supreme Court of Virginia. This chapter details the current Tasks of the 2004-06 Strategic Plan.

The current Plan is the latest in a series of strategic plans that have evolved within the comprehensive planning process from recommendations that the Judicial Council adopted after the court system's first futures commission, "Courts in Transition." Like the recommendations of that 1980s commission, those that have been submitted by the new futures commission, "Virginia Courts in the 21st Century: To Benefit All, To Exclude None," will become the basis for future strategic planning activity. The current commission completed its official operations in October 2006. The Judicial Council and the Supreme Court of Virginia will act on the commission's recommendations in 2007. The recommendations that they adopt will be used with other resources in preparing a new 2007-08 Comprehensive Plan that will operate for the two fiscal years beginning July 1, 2007. More information about the second futures commission can be found in Chapter 4.

The [Judiciary's Strategic] Plan is not a static document. While the courts will operate under the Plan through June 30, 2007, implementation and modification of the Plan's objectives and Tasks continues within the comprehensive planning process in consultation with the Chief Justice of the Supreme Court of Virginia.

THE COMPREHENSIVE STRATEGIC AND OPERATIONAL PLANNING SYSTEM FOR VIRGINIA COURTS (2005-2008)



Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices which foster the efficient use of public resources and enhance the effective delivery of court services.

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens, and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

Vision 9

The impact of changing socio-economic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

The Judiciary's Mission

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.

Vision 1

All persons will have effective access to justice, including the opportunity to resolve disputes without undue hardship, cost, inconvenience or delay.

Objective 1.1

To utilize technology to improve citizens' access to court information and records consistent with legitimate expectations for privacy.

Task 1

Rollout the new records indexing Windows front end and new scanning software to the remaining courts.

Completed

Task 2

Develop training materials for Juvenile and Domestic Relations District Court (J&DR) clerks regarding the confidentiality of records in the juvenile courts.

Underway

Task 3

Redesign and expand the court system's Internet website in order to provide additional features, links, and search capabilities so that citizens may become better informed about court procedures and the availability of resources for legal representation.

Underway

Task 4

Conduct research sufficient to prepare a comprehensive set of Rules of Court which define public access to court records.

Completed

Task 5

Implement Internet access to appropriate trial court data to enable citizens to access specific case data from each circuit and general district court.

Completed

Task 6

Implement Internet access to the circuit court records indexing system in accordance with the standards set forth by the 2003 General Assembly.

Completed

Objective 1.2

To expand use of the Internet for conducting business with the courts.

Task 1

Automate court-use forms in Visual Basic format.

Completed

Task 2

Implement the electronic pre-payment system for fines and costs in all remaining general district and combined district courts.

Completed

Task 3

Expand on-line submission by the courts of administrative forms to provide greater convenience to the courts and the OES and to integrate these data submissions directly into existing databases. Expand the ability of the courts to electronically submit forms to the OES.

Underway

Task 4

Develop requirements for implementation of electronic case-filing in the circuit courts, including integration with the Courts Automated Information System (CAIS).

Underway

Objective 1.3

To enable the courts to more effectively respond to the growing number of non-English speakers in Virginia's courts.

Task 1

Expand the voluntary certification process for foreign language interpreters serving Virginia courts to include languages in addition to Spanish.

Task 2

Seek funding to create a foreign interpreter coordinator position to administer the training and certification programs for foreign language interpreters serving the courts.

Underway

Task 3

Establish a Court Interpreter Advisory Committee to make recommendations to the Judicial Council regarding the quality and evaluation of interpreter services.

Completed

Task 4

Work with Virginia colleges and universities to explore the feasibility of developing low-cost advanced skills workshops for foreign language interpreters serving the courts.

Underway

Task 5

Create an on-going educational curriculum for judges and court personnel to assure the proper and effective use of foreign language interpreters, including the use of telephone interpreting services.

Underway

Objective 1.4

To eliminate economic barriers to legal representation.

Task 1

Design and implement a statewide program to provide pro bono legal services to litigants involved in child custody and visitation disputes who cannot afford representation.

Underway

Task 2

Seek continued Department of Social Services (DSS) funding to support activities promoting access and visitation of non-custodial parents.

Underway

Task 3

Support efforts of the Legal Services Corporation of Virginia to enhance funding of legal aid offices as the primary means of expanding access to legal representation.

Ongoing

Task 4

Work with the Virginia State Bar's Access to Legal Services Committee in its study of discrete Task representation to determine additional potential avenues for access to low cost legal services.

Underway

Task 5

Provide assistance to the Family Law Coalition's study of the current limitations on fee arrangements for attorneys in domestic relations cases and consider their proposals to reduce or contain the costs of legal representation in these cases.

Objective 1.5

To improve the court system's response to the challenges and needs presented by self-represented litigants.

Task 1

Develop and implement an ongoing educational curriculum for judges on methods of managing cases involving self-represented litigants.

Task 2

Develop principles, guidelines, protocols, and training curricula for all clerks' office personnel and magistrates to clarify the types of information and assistance that may be provided to self-represented litigants.

Underway

Task 3

Expand the number of dispute resolution coordinators in the trial courts in order to screen appropriate cases for mediation and to provide effective management of such cases.

Ongoing

Task 4

Develop and implement an ongoing process within the circuit and district court forms committees to, where appropriate, prepare plain language versions of court forms.

Ongoing

Objective 1.6

To facilitate the courts' resolution of disputes in a timely and efficient manner.

Task 1

Implement time-segmented dockets statewide in the district courts in order to assure that no litigants must wait more than one hour for their cases to be called and to enhance the dignity of all court proceedings.

Underway

Task 2

Implement a next-date scheduling system in the circuit courts through purchase and installation of an automated case scheduling system.

Underway

Task 3

Develop performance indicators for the processing of cases in each case type and provide judges and clerks of court relevant statistical reports and other performance data necessary for accurate monitoring of caseload management.

Underway

Task 4

Develop automated, standardized order forms so that district court judges may complete and print copies of their decisions and orders for parties in the courtroom.

Underway

Task 5

Develop and implement the capability to print dockets on demand in the general district and juvenile and domestic relations district courts to provide for more efficient management in the courtroom.

Completed

Task 6

Develop a capability within the Courts Automated Information System (CAIS) to enable judges to be informed of all pending cases involving members of the same family or household.

Underway

Objective 1.7

To improve the quality of the court system's handling of juvenile and family law matters.

Task 1

Prepare recommendations for the courts' implementation of requirements for the early appointment of counsel for juveniles in detention.

Completed

Task 2

Develop and implement standards for Batterer Intervention Programs.

Underway

Task 3

Evaluate and make recommendations to the Chief Justice and Supreme Court of Virginia on the structure, funding, resources, and statutory changes necessary to implement a system of family courts in Virginia.

Completed

Task 4

Prepare informational resources in electronic formats and multiple languages to assist parents in understanding the court process applicable to the filing and resolution of custody, visitation and support petitions.

Underway

Task 5

Participate in the activities of the Virginia Partnership Grant to Encourage Arrest and Enforcement of Protection Orders (GEAP). Design, develop, and implement a new capability for tracking and coordinating enforcement of protective orders within and across jurisdictions.

Underway

Task 6

Employ a consultant to develop the requirements document for an executive management information system for each case management system.

Task 7

Undertake, in conjunction with the Department of Child Support Enforcement representatives, trial court judges, attorneys and citizens, a project to identify and implement best practices in child support cases, addressing: (1) the quality of materials and support available to self-represented litigants in child support and other cases, (2) case and calendar management in the J&DR courts for child support and non-child support cases, and (3) the accuracy and timely communication of judicial paternity orders and other child support-related business among partner agencies (e.g., the courts, the Departments of Vital Records and Child Support Enforcement).

Underway

Task 8

Participate in the “Safe Families in Recovery Project.”

Underway

Objective 1.8

To improve court practice in child abuse, neglect and foster care cases in order to expeditiously restore children to safe and permanent homes and measure the success of these efforts.

Task 1

Complete the delivery of local interdisciplinary training on child dependency litigation in every judicial district of the Commonwealth.

Underway

Task 2

Support the Best Practice Courts program for juvenile and domestic relations district courts to promote the uniform application of law and best practices in child dependency cases.

Ongoing

Task 3

Provide training for lawyers and juvenile and domestic relations district court and circuit court judges on the Standards Governing the Performance of Guardians Ad Litem for Children.

Completed

Task 4

Complete a study of the processing of child dependency appeals in the circuit court. Determine the extent and impact of the delay on permanency for children. Establish and support best practices for this appellate process.

Underway

Task 5

Represent the court system in the implementation of the Child & Family Services Review - Program Improvement Plan for Virginia to address perceived deficiencies in the court system's handling of child dependency cases.

Underway

Task 6

Identify and eliminate barriers to the timely adoption of children in foster care due to court procedures or practices.

Underway

Task 7

Develop, in cooperation with the Virginia Departments of Social Services and of Mental Health, Mental Retardation and Substance Abuse Services improved protocols and enhanced resources for local courts when serving substance-addicted parents in child dependency cases.

Task 8

Evaluate the effectiveness of family treatment drug courts in reuniting the dependent children with substance-addicted parents.

Underway

Task 9

Implement a management information system to track child abuse, neglect, and foster care cases, including a related-case cross-referencing capability.

Underway

Task 10

Develop an interface with the On-Line Automated Services Information System (OASIS) administered by the Virginia Department of Social Services.

Underway

Objective 1.9

Enhance the security of courthouses both for the general public and all personnel who work within them.

Task 1

Establish a committee to study the security needs within courthouses and to issue minimum security standards for all courthouses. Offer technical assistance to conduct needs assessments.

Completed

Task 2

Develop and offer training and technical assistance to chief judges and clerks in the trial courts to assist them in establishing protocols for emergency preparedness.

Underway

Task 3

Seek legislation to ensure that procedures are in place for the Supreme Court of Virginia to convene in the event of a catastrophic incident.

Completed

Task 4

A. Obtain and implement an uninterrupted power supply (UPS) for the judicial systems' statewide central computer system to prevent disruptions in court operations (focus on power source for the computer room and install power grid switch for Supreme Court of Virginia building).

B. Select a contingency management plan to replace computer room replacement site.

Underway (all)

Task 5

Establish a "Hot Site" for disaster recovery of the judicial systems' statewide central computer system to ensure business continuity of court system computer operations.

Task 6

Develop and deliver a training program for judges on the potential impact and implications of federal and state anti-terrorism legislation.

Underway

Objective 2.1

To ensure that courts merit the respect of society in the handling of criminal cases.

Task 1

Implement the automated entry of protective orders via the electronic interface between the Courts Automated Information System and the Virginia State Police.

Completed

Vision 2

The court system will maintain human dignity and the rule of law, by ensuring equal application of the judicial process to all controversies.

Task 2

Determine ways to expedite hearings on protective order violations.

Task 3

Establish scheduling procedures that facilitate optimal participation by Commonwealth's Attorney in domestic violence cases.

Task 4

Implement and expand the protective order component of the automated Interactive Community Assistance Network (I-CAN!) system:

- Conduct and evaluate a pilot program.
Completed
- Seek continuation funding.
Ongoing
- Develop the implementation strategy for expansion of the program.
Completed
- Rollout the I-CAN protective order module in additional J&DR District Courts as requested.
Ongoing

Task 5

Develop and distribute an interactive CD-ROM training module for magistrates on the effective handling of family abuse cases, with emphasis both on the legal requirements and respectful treatment of all parties involved.

Completed

Task 6

Enhance the training program for magistrates.

Develop a distance education magistrate's orientation and basic training course.

Underway

Develop a distance education and practical application component of the magistrate certification program.

Underway

Objective 2.2

To improve the quality of indigent defense representation in Virginia.

Task 1

Support efforts to increase the compensation paid to court-appointed counsel in criminal cases.

Ongoing

Task 2

Support the development and implementation of statewide training and qualification standards for court-appointed counsel.

Ongoing

Task 3

Develop guidelines and provide training for judges in the assessment of applications for experts and investigators for indigent defense to help ensure fairness in the adjudication of serious criminal cases.

Objective 2.3

To assist the trial courts, as well as state and local criminal justice agencies, in the development, implementation and evaluation of problem-solving courts.

Task 1

Assume the administrative oversight of Drug Courts pursuant to Virginia Code § 18.2-254.1.

Completed

Task 2

Conduct a comprehensive evaluation (impact, qualitative, process, and cost-benefit analysis) of drug treatment court programs in Virginia and associated recidivism rates.

Underway

Task 3

Recommend operating standards for DUI Drug Treatment Courts and appropriate amendments to the Drug Treatment Court Act to bring the administration of DUI Drug Treatment Court programs under the Act.

Ongoing

Task 4

Evaluate the concepts of therapeutic justice and problem-solving courts to determine ways in which the integration of those concepts may improve the processing and disposition of criminal cases.

Objective 2.4

To strengthen the jury system by improving the selection process and the jury's method of operation.

Task 1

Evaluate jury management systems for implementation in smaller circuit courts.

Completed

Task 2

Evaluate the need for and cost effectiveness of a jury management system for circuit courts with small numbers of jury trials.

Completed

Task 3

Provide technical assistance to circuit courts in the implementation of the Judicial Council's Jury Management Standards.

Objective 3.1

To establish a comprehensive range of dispute resolution services in Virginia's circuits and districts.

Task 1

Design an online mediator recertification process.

Underway

Task 2

Develop and implement a judicial settlement conference pilot program.

Underway

Task 3

Provide continuing legal education programs for the Bar and judiciary, and on-site technical assistance to individual courts for the development and integration of alternative dispute resolution options into the litigation process and court procedures.

Underway

Task 4

Evaluate the need for revisions to existing Guidelines for the Certification of Court Referred Mediators to enhance the competency of mediators and the quality of services provided. Revise the guidelines for certification of court-referred mediators to provide qualifications for specialized areas of mediation.

Underway

Task 5

Develop a model truancy mediation curriculum to train mediators throughout the state in support of the expanded use of truancy mediations by schools and judges.

Completed

Task 6

Determine the means to provide greater access to mediation services for the Commonwealth's non-English speakers.

Completed

Task 7

Work with all Virginia law schools to expand alternative dispute resolution course offerings, develop mediation clinics and advise law students of their ethical obligation to consider alternative dispute resolution.

Objective 3.2

To provide greater access to a broader range of dispute resolution options in family matters.

Task 1

Conduct a study of recidivism rates of custody/visitation cases mediated versus those adjudicated in the J&DR district courts.

Completed

Vision 3

The judicial system will be managed actively to provide an array of dispute resolution alternatives that respond to the changing needs of society.

Vision 4

Virginia's judicial system will be structured and will function in a manner that best facilitates the expeditious, economical and fair resolution of disputes.

Vision 5

The courts of Virginia will be administered in accordance with sound management practices that foster the efficient use of public resources and enhance the effective delivery of court services.

Task 2

Evaluate the effectiveness and accessibility of mediation in custody/visitation cases for low-income families.

Completed

Objective 4.1

To structure the judicial system in a manner that best enables the prompt, fair and cost-effective resolution of disputes.

Objective 4.2

To simplify legal procedures to enhance judicial effectiveness and efficiency.

Task 1

Implement the single form of action for claims at law and in equity.

Completed

Task 2

Amend necessary court forms and Rules of Court to clarify procedures for accepting guilty pleas for misdemeanors in district courts.

Completed

Objective 5.1

To enhance the administration of the courts by clarifying and reinforcing lines of authority and responsibility.

Task 1

Conduct a study on the effect of eliminating or limiting the use of Commissioners in Chancery on court caseloads.

Completed

Task 2

Support legislation to remove from the judicial branch responsibility for certifying bail bondsmen.

Completed

Task 3

Conduct a study on involuntary mental commitment procedures in order to (1) clarify the roles of general district court judges and special justices, (2) review issues involving transportation for patients and the locations of hearings, and (3) assure that the process is handled in an efficient and humane manner.

Underway

Objective 5.2

To obtain full state funding of the court system.

Task 1

Secure state funding to provide law clerks and secretaries for circuit court judges.

Task 2

Secure on-going funding to modernize and maintain the judicial system's technology infrastructure and service delivery systems.

Ongoing

Task 3

Implement an infrastructure modernization:

- Install 800-1000 new Pentium PCs to replace older models.
- Rollout the active directory and Windows server 2003 to OES and start conversion of court servers.
- Replace 500 old cash registers with Windows PCRs.
- Rollout new Windows PCR with laser printer capability in 20-40 courts.

Ongoing (all)

Objective 5.3

To improve the accuracy, quality and integrity of caseload data submitted by the trial courts.

Task 1

Establish an effort to revise and update procedures for uniform data collection from the trial courts and recommend ways to improve the integrity of the process.

Task 2

Procure and implement new decision maker software to assist with ad hoc reporting and data analysis capabilities.

Underway

Objective 6.1

To ensure that the judicial system attracts and retains the most qualified persons for service on the bench.

Task 1

Update the Personnel manual to include a review of policy issues.

Completed

Task 2

Secure increases in salaries for judges and justices in order to maintain compensation levels that are attractive enough to encourage qualified individuals to choose a judicial career.

Ongoing

Task 3

Conduct a pilot judicial performance evaluation program and report the results to the Supreme Court of Virginia and the General Assembly.

Completed

Task 4

Implement a statewide judicial performance evaluation program.

Underway

Vision 6

The court system will be adequately staffed by judges and court personnel of the highest professional qualifications, chosen for their positions on the basis of merit and whose performance will be enhanced by continuing education and performance evaluations. Lawyers, who constitute an essential element in the legal system, will receive a quality professional and continuing education befitting the higher professional and ethical standards to which they will be held, and the need to become increasingly service-oriented in their relationships with clients.

Objective 6.2

To provide education delivery options which will ensure expanded and career-long training opportunities for all persons in the judicial system's workforce.

Task 1

Develop the Circuit Court Clerks Basic course on CD-Rom.

Underway

Task 2

Develop the J&DR District Court Clerks Basic course on CD-Rom.

Underway

Task 3

Explore the possibility of district court clerks' participation in a national certification program.

Completed

Task 4

Provide training opportunities for judges, clerks and magistrates in the use of on-line learning resources and courses.

Ongoing

Task 5

Install a distance learning infrastructure system so that judges and court personnel can be trained at regional hubs or local sites throughout the state.

Underway

Task 6

Integrate the long-term training curriculum for Virginia's judicial system with the distance education plan.

Underway

Task 7

Develop a specialized Judicial Institute on the trial and management of capital cases to be delivered on an annual basis.

Completed

Task 8

Develop an on-line educational resource center/website with web-casting capability to serve as a portal for judges and court system personnel to access a myriad of web-based education and training programs.

Underway

Task 9

Pilot a speaker/presenter-monitored web-board online discussion forum.

Task 10

Develop, in conjunction with Virginia law schools, a series of judicial education programs to be delivered via distance learning technology.

Underway

Objective 6.3

To develop advanced and specialized training opportunities for all judges, clerks and magistrates.

Task 1

Develop a deputy clerk/magistrate new hire orientation program.

Underway

Task 2

Increase the options for providing technical assistance services to the courts to include on-site support for strategic planning efforts, caseflow management projects and building collaborative relations within and between the trial courts and the magistrate offices.

Underway

Task 3

Expand the delivery of training programs for retired and substitute judges, with particular emphasis on substitute judges serving in the juvenile and domestic relations district courts.

Underway

Task 4

Develop and deliver specialized management training programs for chief judges.

Underway

Objective 6.4

To ensure that the judicial system provides a compensation, reward and benefit system and a working environment to attract and retain a highly-qualified, diverse and skilled workforce.

Task 1

Address the personnel shortages that exist in the district court and magistrate systems by seeking funding for additional positions and salary increases that will enable the judicial system to successfully attract and retain highly qualified clerks and magistrates.

Ongoing

Task 2

Assess, on a continuing basis, the competitiveness of salaries and benefits of court system employees with those provided for equivalent positions in the executive branch and private sector, and advance appropriate recommendations to eliminate any identified disparities.

Ongoing

Task 3

Establish an Equal Opportunity Employment Committee for the judicial system to develop and implement specific actions such as creating internships, conducting recruitment visits, and expanding placement sources in order to increase the diversity of the judicial system's workforce.

Ongoing

Task 4

Explore means used in the private sector and in state and local executive branch agencies to enhance communications with judicial branch personnel and to recognize outstanding achievement and public service provided by judges and court system personnel. Develop cost-effective alternatives pursuant to this end.

Underway

Objective 6.5

To provide ready access to magistrate services and increase the proficiency, expertise, and oversight of magistrates throughout the state.

Task 1

Increase access to magistrates throughout the state by eliminating on-call services and creating: (1) hub offices in designated localities to provide full-time in-person services and 24-hour video conferencing capabilities to each locality within a district; and (2) offices in other localities to provide in-person services on a specified schedule.

Task 2

Improve the quality of decision-making and service delivery provided by all magistrates through the development and implementation of a nine-week comprehensive training and certification program.

Underway

Task 3

Strengthen the management and accountability of each magistrate's office by expanding the management component of the annual continuing legal education curriculum for chief magistrates.

Underway

Vision 7

Technology will increase the access, convenience and ease of use of the courts for all citizens and will enhance the quality of justice by increasing the courts' ability to determine facts and reach a fair decision.

Task 1

Convert the remaining 150+ courts and magistrates' offices to Lotus Notes.

Completed

Task 2

Define requirements and identify alternatives for developing links between Fiscal Department, the Financial Management System (FMS) and the Courts Automated Information System (CAIS).

Underway

Task 3

Convert Fairfax County General District civil data from local system to CAIS.

Completed

Task 4

Procure and implement new inventory management system.

Underway

Objective 7.1

To maximize the use of technology within the judicial system to enhance the quality of justice rendered by courts.

Task 1

Provide regular assessments of new technologies and their applicability in the court environment to all judges and court system personnel.

Ongoing

Task 2

Prepare and release a Request for Proposals (RFP) for an imaging and documents management systems for circuit courts to improve the handling of and legitimate access to court documents.

Task 3

Develop online court budget expenditure reports.

Underway

Task 4

Achieve migration to a modern relational database and fourth generation computer programming languages in order to expand the capabilities of the Courts Automated Information System (migrate Circuit Case Management System to 4GL - Websphere Application Studio Developer).

Underway

Task 5

Finish the J&DR DB2 database rollout.

Completed

Task 6

Finish Circuit (Active) Case Management System DB2 database.

Completed

Task 7

Model and convert General District Case Management system to DB2.

Completed

Task 8

Upgrade and enhance Supreme Court's Case Management System (SCOLAR) and convert to DB2.

Underway

Task 9

Upgrade and enhance Court of Appeals Case Management System (STARS) and convert to DB2.

Underway

Task 10

Assess the feasibility and implications of courtroom evidence presentation technologies and provide technical assistance to the courts on their use.

Task 11

Modernize and web-enable the automated catalogues in the Virginia Law Library.

Completed

Task 12

Seek funding to upgrade and maintain the judicial system's telecommunications network to support existing and projected communications needs.

Ongoing

Objective 7.2

To expand collaborative relationships between the courts, state and local governments, and the private sector to facilitate greater ease in the electronic exchange of information and in the conduct of judicial proceedings.

Task 1

Implement Phase I of the Charge Standardization Project and implement the utilization of Virginia Crime Codes with standard charge descriptions.

Completed

Task 2

Participate in the development of an integrated criminal justice information system by implementing an Offense Tracking Number (OTN) and an OTN database in selected magistrate's offices and pilot courts.

Completed

Task 3

Redesign the Automated Magistrate Information System (AMS) to serve as a primary gateway to exchange data in standardized formats with criminal justice agencies.

Completed

Task 4

Seek funding for Phase II of the Charge Standardization Project to permit integrated data exchange with additional criminal justice agencies throughout the state.

Underway

Task 5

Provide magistrates direct connectivity to the Virginia Criminal Information Network administered by the State Police, where requested.

Ongoing

Task 6

Pilot the magistrate transfer of warrant information to "State Police wanted files".

Ongoing

Task 7

Implement the automated interface between the Central Criminal Records Exchange and juvenile division of the juvenile and domestic relations district courts.

Underway

Task 8

Establish the capability to send magistrate system and court case management system data electronically to Public Defender's Offices to reduce duplicate data entry and report changes in hearing dates.

Objective 7.3

To provide comprehensive training and support to judicial system personnel in the use of technology and automated systems.

Task 1

Establish an on-going, broad-based technology training program for judges and court system personnel to provide a continuum of initial and refresher training based on assessed needs.

Underway

Objective 7.4

To facilitate the use of technology and automated systems by judges and judicial system personnel.

Task 1

Define the components of a comprehensive technology training program and to identify methods of delivery of those components.

Underway

Task 2

Develop a CD-ROM training program for Case Management System.

Underway

Task 3

Develop a CD-ROM training program for Financial Management System.

Underway

Task 4

Expand the use of video conferencing to facilitate activities of the Supreme Court of Virginia.

Completed

Task 5

Seek funding to expand the use of videoconferencing in trial courts and magistrates' offices to expedite proceedings.

Ongoing

Objective 8.1

To improve service quality by increasing the courts' awareness of and responsiveness to the needs of the citizens they serve.

Task 1

Create a public information and outreach office to carry out a variety of activities including (1) handling media relations on behalf of the courts; (2) expanding public information and education materials for posting on the court system's website; and (3) developing templates for speeches and presentation materials that clarify the role and responsibilities of the judicial branch of gov-

Vision 8

The public's perception of the Virginia judicial system will be one of confidence in and respect for the courts and for legal authority.

ernment for use by judges, clerks and chief magistrates.

Underway

Task 2

Establish a Court/Community Outreach Committee for the purpose of identifying barriers, real or perceived, that exist between the court system and the public it serves.

Task 3

Develop and offer training to judges and court personnel to increase their understanding of cultural differences and their significance in the context of the legal system and the courts.

Underway

Task 4

Develop the use of videotapes in court waiting areas as a means of better informing litigants on court procedures and processes.

Task 5

Participate with the legislative and executive branches in commemorating the 50th anniversary of the *Brown v. Board of Education* decision by the Supreme Court of the United States.

Completed

Objective 8.2

To ensure that participants in the judicial process are not discriminated against because of race, gender, age, disability or socioeconomic status.

Task 1

Participate in the study directed by the 2002 General Assembly to explore the benefits of a model court order that addresses the mental illness treatment needs of offenders.

Completed

Cross-train judges and magistrates on treatment services and security for these mentally ill offenders.

Underway

Task 2

Conduct periodic reassessments of the effectiveness of individual courts' compliance with the Americans with Disabilities Act (ADA) and where necessary work with the courts to develop plans for corrective action.

Task 3

Develop and incorporate an ADA audit into technical assistance visits to courts and magistrates' offices.

Underway

Task 4

Develop a brochure containing information on the types of accommodations available in the courts for individuals with disabilities and how to request them.

Objective 8.3

To assist the public and other constituencies in understanding the judicial system and its role in a democratic society, the courts will support programs that foster civic awareness.

Task 1

Develop an integrated, interactive Web-based curriculum and resource materials for students and teachers in grades K-12 to support and expand the teaching of court-related elements (e.g., the role and functioning of courts in American society) in the Standards of Learning (SOLs).

Underway

Objective 9.1

To expand the strategic planning capabilities of the judicial system.

Task 1

Establish and conduct the Futures Commission (Virginia Courts in the 21st Century) to study the anticipated demands on the court system and to set forth a plan to meet these requirements.

Completed

Task 2

Hold statewide Solutions Conference to assist in the development of the judiciary's strategic plans as a means for obtaining citizen input.

Completed

Task 3

Assist local courts in developing and conducting strategic planning efforts to enhance their delivery of services to the public.

Ongoing

Objective 10.1

To promote the independence and accountability of the judicial branch.

Task 1

Develop and conduct, in cooperation with legislative members of the Judicial Council and the Committee on District Courts, an orientation program for newly-elected legislators to review the distinctive role of the judicial branch, the dimensions of judicial independence and accountability, and the parameters for legislator-judge communications.

Underway

Task 2

Expand the judiciary's website as a method of providing additional information to judges, clerks and magistrates about issues arising during legislative sessions that affect the judicial branch and court operations.

Underway

Vision 9

The impact of changing socioeconomic and legal forces will be systematically monitored and the laws of Virginia will provide both the substantive and procedural means for responding to these changes.

Vision 10

The judicial system will fulfill its role within our constitutional system by maintaining its distinctiveness and independence as a separate branch of government.

Task 3

Facilitate legislative access to information about the process, policies, and priorities of the judicial branch by developing and implementing additional communication strategies, such as legislative "ride along" programs and a legislator's guide to the courts.

Objective 10.2

To effectuate better understanding and communications among the three branches of state government.

Task 1

Create opportunities for regular meetings among representatives of all three branches of government to promote improved communication on such issues as court funding, salary needs within the judicial branch, and structural reform of the courts.

Ongoing

Chapter 3

Request for New Judgeships

INTRODUCTION

During 2006, the Judicial Council approved the requests for an additional judgeship from the Tenth, Twenty-sixth, Twenty-seventh, and Thirtieth Judicial Circuits. After a thorough review of caseload information, an analysis of workload in the circuits, and other input from individuals with knowledge of the workings of the courts in these particular circuits, the Council recommends creation of new judgeships to serve in each of these four circuits, effective July 1, 2007. A review of the caseloads for these circuits follows.

THE TENTH JUDICIAL CIRCUIT

The Tenth Judicial Circuit serves the localities of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, and Prince Edward. The estimated 2005 population of the area was 154,269, an increase of 0.6% from the 2000 population of 153,412. The Tenth Circuit has three authorized judgeships. Serving currently are Richard S. Blanton, Leslie M. Osborn, and William L. Wellons. The Tenth Circuit is requesting an additional judgeship.

Tenth Judicial
Circuit

Review of 2005 Caseload

Caseload data for 2005 show that 6,956 cases were commenced in the Tenth Circuit during the year, an increase of 10.1% or 640 cases from 2004 levels. This growth was due to a decline of 4.8% in civil cases and an increase of 16.0% in criminal cases.

The total number of cases concluded fell 0.6% during the year, from 5,901 in 2004 to 5,864 in 2005. The number of juries impaneled fell 21.7% from 23 in 2004 to 18 last year. The circuit judges averaged 7 jury trial days each during the year while the number of criminal defendants increased by 148 (or 9.7%) from 1,522 to 1,670.

The Tenth Judicial Circuit 2005 AT A GLANCE	
Population	154,269
Cases Commenced	
Law	670
Equity	1,035
Felony	4,117
Misdemeanor	1,134
Total	6,956
Cases Concluded	
Law	694
Equity	975
Felony	3,104
Misdemeanor	1,091
Total	5,864
Judges	3.0
Commenced Cases/Judge	
Tenth	2,319
State	1,784
Rural	1,942
Concluded Cases/Judge	
Tenth	1,955
State	1,726
Rural	1,903
2006 FORECAST*	
Commenced Cases/Judge	
With 3 Judges	2,388
With 4 Judges	1,791
State (2005)	1,784
State (2006)*	1,820
Rural	1,942
Concluded Cases/Judge	
With 3 Judges	1,996
With 4 Judges	1,497
State (2005)	1,726
State (2006)*	1,762
Rural	1,903
*Estimate based on historical data.	

The three judges in the Tenth Circuit averaged 2,319 commenced cases each in 2005, ranking 4th among the 31 circuits. The Tenth averaged 1,955 concluded cases per judge, 8th highest in the state in 2005. The number of commenced cases per judge was 535 above the state average of 1,784 and 377 above the rural average of 1,942. The number of concluded cases per judge (1,955) was 229 above the state average (1,726) and 52 above the rural average (1,903).

At the end of 2005, pending cases in the Tenth totaled 5,999, an increase of 15.4% over 2004 levels. The number of pending cases per judge stood at 2,000, 10th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 4.8% in 2005 to total 1,705. Of these cases, 2.5% were general district appeals, 36.8% other law, 31.3% divorce, 23.4% other equity, and 6.0% appeals from the juvenile and domestic relations (J&DR) district courts. Statewide, the distribution was 2.6% general district appeals, 40.6% other law, 32.7% divorce, 23.4% other equity and 5.3% J&DR appeals.

Of the 1,669 civil cases concluded in 2005, 34.1% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 5.5% of concluded civil cases while 0.3% were concluded by a jury trial. Statewide, 31.6% of civil cases settled prior to trial in 2005, 20.6% were concluded by bench trial and 0.7% ended by a trial by jury.

Approximately 67.1% of civil cases concluded reached termination with 12 months of filing. Statewide, 72.4% of civil cases ended within that time frame. About 77.1% reached conclusion within two years. The Judicial Council's voluntary case processing time guidelines establish a goal of concluding 90% of civil cases within one year and 100% within two years.

The three judges in the Tenth Circuit averaged 568 civil cases each in 2005, ranking 22nd among the 31 circuits. The state average for the year totaled 661 civil cases per judge, and the average for judges in rural circuits was 612 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Tenth Circuit increased 16.0% in 2005 from 4,525 cases to 5,251. Of these cases, 78.4% were felonies compared to the statewide average of 70.0%.

Of the 4,195 criminal cases concluded, 30.0% were disposed of by a judge trial while 0.3% reached conclusion by a trial by jury. Statewide, 30.2% of criminal cases were concluded by a judge trial and 1.3% by a jury trial.

Approximately 37.1% of felony cases concluded in the Tenth Circuit in 2005 reached termination within 120 days of initiation while 60.0% were disposed of within 180 days. Statewide, 47.1% of criminal cases were concluded within 120 days and 66.1% within 180 days. Among misdemeanor cases, the Tenth disposed of 32.8% within 60 days and 50.7% within 90 days compared

to state averages of 48.7% and 67.3%, for the same 60 and 90-day time frames. For criminal cases, the Judicial Council's guidelines call for 90% of all felonies to be concluded within 120 days of arrest, 98% within 180 days, and 100% within one year. For misdemeanor cases, the goal is to conclude 90% within 60 days and 100% within 90 days from the date of arrest.

The judges of the Tenth Circuit averaged 1,751 criminal cases each in 2005, 3rd among the 31 circuits. This was 628 above the average for judges statewide (1,123) and 421 above the average for judges in rural circuits (1,330 criminal cases each).

Forecast for 2006

Based on historical data, the number of cases commenced in the Tenth Circuit is forecast to increase 3.0%, from 6,956 cases in 2005 to 7,163 in 2006. The number of cases concluded is expected to rise 2.1%, from 5,864 to 5,989.

At the forecast caseload levels for 2006, the three judges in the Tenth Circuit would each average 2,388 commenced cases and 1,996 concluded cases. This number of commenced cases per judge would be 568 cases above the projected state average for 2006 of 1,820 cases per judge. The number of concluded cases per judge would be 234 cases above the projected state average of 1,762 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the four judges would fall to 1,791, which is 29 cases below the projected state average of 1,820 cases per judge and 151 less than the 2005 average for rural circuits of 1,942. The number of concluded cases per judge would total 1,497, which is 265 less than the forecast average for judges statewide (1,762) and 406 fewer than the 2005 average for rural circuits (1,903 cases per judge).

THE TWENTY-SIXTH JUDICIAL CIRCUIT

The Twenty-Sixth Judicial Circuit serves the localities of Clarke, Frederick, Page, Rockingham, Harrisonburg, Shenandoah, Warren, and Winchester. The estimated 2005 population of the area was 318,707, an increase of 8.6% from the 2000 population of 293,449.

The Twenty-Sixth Circuit has five authorized judgeships. Serving currently are Dennis Lee Hupp, James V. Lane, John J. McGrath Jr., John R. Prosser, and John E. Wetsel Jr. The Twenty-Sixth Circuit is requesting an additional judgeship.

Review of 2005 Caseload

Caseload data for 2005 show that 10,940 cases were commenced in the Twenty-Sixth Circuit during the year, a decrease of 7.3% or 865 cases from 2004 levels. This decline was due to a decline of 0.8% in civil cases and a decline of 10.3% in criminal cases.

The total number of cases concluded fell 8.6% during the year, from

Twenty-Sixth
Judicial Circuit

The Twenty-Sixth Judicial Circuit 2005 AT A GLANCE	
Population	318,707
Cases Commenced	
Law	1,313
Equity	2,328
Felony	5,302
Misdemeanor	1,997
Total	10,940
Cases Concluded	
Law	1,144
Equity	2,096
Felony	5,189
Misdemeanor	2,047
Total	10,476
Judges	5.0
Commenced Cases/Judge	
Twenty-Sixth	2,188
State	1,784
Rural	1,942
Concluded Cases/Judge	
Twenty-Sixth	2,095
State	1,726
Rural	1,903
2006 FORECAST*	
Commenced Cases/Judge	
With 5 Judges	2,257
With 6 Judges	1,881
State (2005)	1,784
State (2006)*	1,820
Rural	1,942
Concluded Cases/Judge	
With 5 Judges	2,161
With 6 Judges	1,801
State (2005)	1,726
State (2006)*	1,762
Rural	1,903
*Estimate based on historical data.	

11,457 in 2004 to 10,476 in 2005. The number of juries impaneled fell 22.5% from 89 in 2004 to 69 last year. The circuit judges averaged 18 jury trial days each during the year while the number of criminal defendants declined by 178 (or 6.2%) from 2,892 to 2,714.

The five judges in the Twenty-Sixth Circuit averaged 2,188 commenced cases each in 2005, ranking 6th among the 31 circuits. The Twenty-Sixth averaged 2,095 concluded cases per judge, 6th highest in the state in 2005. The number of commenced cases per judge was 404 above the state average of 1,784 and 246 above the rural average of 1,942. The number of concluded cases per judge (2,095) was 370 above the state average (1,726) and 192 above the rural average (1,903).

At the end of 2005, pending cases in the Twenty-Sixth totaled 8,356, an increase of 7.0% over 2004 levels. The number of pending cases per judge stood at 1,671, 13th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 0.8% in 2005 to total 3,641. Of these cases, 2.1% were general district appeals, 34.0% other law, 41.9% divorce, 16.3% other equity and 5.7% appeals from the juvenile and domestic relations (J&DR) district courts. Statewide, the distribution was 2.6% general district appeals, 40.6% other law, 32.7% divorce, 16.3% other equity and 5.3% J&DR appeals.

Of the 3,240 civil cases concluded in 2005, 26.6% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 18.1% of concluded civil cases while 0.4% were concluded by a jury trial. Statewide, 31.6% of civil cases settled prior to trial in 2005, 20.6% were concluded by bench trial and 0.7% ended by a trial by jury.

Approximately 79.5% of civil cases concluded reached termination with 12 months of filing. Statewide, 72.4% of civil cases ended within that time frame. About 94.3% reached conclusion within two years. The Judicial Council's voluntary case processing time guidelines establish a goal of concluding 90% of civil cases within one year and 100% within two years.

The five judges in the Twenty-Sixth Circuit averaged 728 civil cases each in 2005, ranking 6th among the 31 circuits. The state average for the year totaled 661 civil cases per judge, and the average for judges in rural circuits was 612 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Twenty-Sixth Circuit decreased 10.3% in 2005 from 8,136 cases to 7,299. Of these cases, 72.6% were felonies compared to the statewide average of 70.0%.

Of the 7,236 criminal cases concluded, 24.5% were disposed of by a judge trial while 1.2% reached conclusion by a trial by jury. Statewide, 30.2% of criminal cases were concluded by a judge trial and 1.3% by a jury trial.

Approximately 41.8% of felony cases concluded in the Twenty-Sixth Circuit

in 2005 reached termination within 120 days of initiation while 61.1% were disposed of within 180 days. Statewide, 47.1% of criminal cases were concluded within 120 days and 66.1% within 180 days. Among misdemeanor cases, the Twenty-Sixth disposed of 41.7% within 60 days and 59.5% within 90 days compared to state averages of 48.7% and 67.3%, for the same 60 and 90-day time frames. For criminal cases, the Judicial Council's guidelines call for 90% of all felonies to be concluded within 120 days of arrest, 98% within 180 days, and 100% within one year. For misdemeanor cases, the goal is to conclude 90% within 60 days and 100% within 90 days from the date of arrest.

The judges of the Twenty-Sixth Circuit averaged 1,460 criminal cases each in 2005, 7th among the 31 circuits. This was 337 above the average for judges statewide (1,123) and 130 above the average for judges in rural circuits (1,330 criminal cases each).

Forecast for 2006

Based on historical data, the number of cases commenced in the Twenty-Sixth Circuit is forecast to increase 3.2%, from 10,940 cases in 2005 to 11,285 in 2006. The number of cases concluded is expected to rise 3.2%, from 10,476 to 10,807.

At the forecast caseload levels for 2006, the five judges in the Twenty-Sixth Circuit would each average 2,257 commenced cases and 2,161 concluded cases. This number of commenced cases per judge would be 437 cases above the projected state average for 2006 of 1,820 cases per judge. The number of concluded cases per judge would be 399 cases above the projected state average of 1,762 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the six judges would total 1,881, which is 61 cases above the projected state average of 1,820 cases per judge and 61 less than the 2005 average for rural circuits of 1,942. The number of concluded cases per judge would total 1,801, which is 39 more than the forecast average for judges statewide (1,762) and 102 fewer than the 2005 average for rural circuits (1,903 cases per judge).

THE TWENTY-SEVENTH JUDICIAL CIRCUIT

The Twenty-Seventh Judicial Circuit serves the localities of Bland, Carroll, Floyd, Galax, Giles, Grayson, Montgomery, Pulaski, Radford, and Wythe. The estimated 2005 population of the area was 253,550, an increase of 0.3% from the 2000 population of 252,679.

The Twenty-Seventh Circuit has five authorized judgeships. Serving currently are J. Colin Campbell Sr., Brett L. Geisler, Colin R. Gibb, Ray Wilson Grubbs, and Robert M. D. Turk. The Twenty-Seventh Circuit is requesting an additional judgeship.

Review of 2005 Caseload

Caseload data for 2005 show that 12,460 cases were commenced in the

Twenty-Seventh
Judicial Circuit

Twenty-Seventh Circuit during the year, an increase of 4.3% or 514 cases from 2004 levels. This growth was due to a decline of 3.5% in civil cases and an increase of 7.1% in criminal cases.

The total number of cases concluded rose 4.3% during the year, from 11,440 in 2004 to 11,933 in 2005. The number of juries impaneled fell 69.4% from 36 in 2004 to 11 last year. The circuit judges averaged 3 jury trial days each during the year while the number of criminal defendants increased by 99 (or 3.2%) from 3,139 to 3,238.

The five judges in the Twenty-Seventh Circuit averaged 2,492 commenced cases each in 2005, ranking 1st among the 31 circuits. The Twenty-Seventh averaged 2,387 concluded cases per judge, 1st highest in the state in 2005. The number of commenced cases per judge was 708 above the state average of 1,784 and 550 above the rural average of 1,942. The number of concluded cases per judge (2,387) was 661 above the state average (1,726) and 484 above the rural average (1,903).

At the end of 2005, pending cases in the Twenty-Seventh totaled 10,880, an increase of 4.7% over 2004 levels. The number of pending cases per judge stood at 2,176, 4th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 3.5% in 2005 to total 3,018. Of these cases, 2.8% were general district appeals, 28.3% other law, 37.0% divorce, 24.8% other equity and 7.0% appeals from the juvenile and domestic relations (J&DR) district courts. Statewide, the distribution was 2.6% general district appeals, 40.6% other law, 32.7% divorce, 24.8% other equity and 5.3% J&DR appeals.

Of the 2,983 civil cases concluded in 2005, 23.7% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 16.6% of concluded civil cases while 0.2% were concluded by a jury trial. Statewide, 31.6% of civil cases settled prior to trial in 2005, 20.6% were concluded by bench trial and 0.7% ended by a trial by jury.

Approximately 64.3% of civil cases concluded reached termination with 12 months of filing. Statewide, 72.4% of civil cases ended within that time frame. About 74.9% reached conclusion within two years. The Judicial Council's voluntary case processing time guidelines establish a goal of concluding 90% of civil cases within one year and 100% within two years.

The five judges in the Twenty-Seventh Circuit averaged 604 civil cases each in 2005, ranking 18th among the 31 circuits. The state average for the year totaled 661 civil cases per judge, and the average for judges in rural circuits was 612 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Twenty-Seventh Circuit increased 7.1% in 2005 from 8,819 cases to 9,442. Of these cases, 74.8% were felonies compared to the statewide average of 70.0%.

Twenty-Seventh Judicial Circuit 2005 AT A GLANCE	
Population	253,550
Cases Commenced	
Law	939
Equity	2,079
Felony	7,059
Misdemeanor	2,383
Total	12,460
Cases Concluded	
Law	992
Equity	1,991
Felony	6,682
Misdemeanor	2,268
Total	11,933
Judges	5.0
Commenced Cases/Judge	
Twenty-Seventh	2,492
State	1,784
Rural	1,942
Concluded Cases/Judge	
Twenty-Seventh	2,387
State	1,726
Rural	1,903
2006 FORECAST*	
Commenced Cases/Judge	
With 5 Judges	2,597
With 6 Judges	2,164
State (2005)	1,784
State (2006)*	1,820
Rural	1,942
Concluded Cases/Judge	
With 5 Judges	2,484
With 6 Judges	2,070
State (2005)	1,726
State (2006)*	1,762
Rural	1,903
*Estimate based on historical data.	

Of the 8,950 criminal cases concluded, 23.8% were disposed of by a judge trial while 0.2% reached conclusion by a trial by jury. Statewide, 30.2% of criminal cases were concluded by a judge trial and 1.3% by a jury trial.

Approximately 34.9% of felony cases concluded in the Twenty-Seventh Circuit in 2005 reached termination within 120 days of initiation while 52.7% were disposed of within 180 days. Statewide, 47.1% of criminal cases were concluded within 120 days and 66.1% within 180 days. Among misdemeanor cases, the Twenty-Seventh disposed of 29.3% within 60 days and 44.0% within 90 days compared to state averages of 48.7% and 67.3%, for the same 60 and 90-day time frames. For criminal cases, the Judicial Council's guidelines call for 90% of all felonies to be concluded within 120 days of arrest, 98% within 180 days, and 100% within one year. For misdemeanor cases, the goal is to conclude 90% within 60 days and 100% within 90 days from the date of arrest.

The judges of the Twenty-Seventh Circuit averaged 1,889 criminal cases each in 2005, 1st among the 31 circuits. This was 766 above the average for judges statewide (1,123) and 559 above the average for judges in rural circuits (1,330 criminal cases each).

Forecast for 2006

Based on historical data, the number of cases commenced in the Twenty-Seventh Circuit is forecast to increase 4.2%, from 12,460 cases in 2005 to 12,987 in 2006. The number of cases concluded is expected to rise 4.1%, from 11,933 to 12,418.

At the forecast caseload levels for 2006, the five judges in the Twenty-Seventh Circuit would each average 2,597 commenced cases and 2,484 concluded cases. This number of commenced cases per judge would be 777 cases above the projected state average for 2006 of 1,820 cases per judge. The number of concluded cases per judge would be 721 cases above the projected state average of 1,762 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the six judges would total 2,164, which is 344 cases above the projected state average of 1,820 cases per judge and 222 more than the 2005 average for rural circuits of 1,942. The number of concluded cases per judge would total 2,070, which is 308 more than the forecast average for judges statewide (1,762) and 167 more than the 2005 average for rural circuits (1,903 cases per judge).

THE THIRTIETH JUDICIAL CIRCUIT

The Thirtieth Judicial Circuit serves the localities of Lee, Norton, Scott, and Wise. The estimated 2003 population of the area was 92,322, a decrease of 0.8% from the 2000 population of 93,105.

The Thirtieth Circuit has three authorized judgeships. Serving currently are John C. Kilgore, Tammy S. McElyea, and Birg E. Sergent. The Thirtieth Circuit is requesting an additional judgeship.

Review of 2005 Caseload

Caseload data for 2005 show that 6,855 cases were commenced in the Thirtieth Circuit during the year, an increase of 3.5% or 230 cases from 2004 levels. This growth was due to a decline of 9.9% in civil cases and an increase of 8.1% in criminal cases.

The total number of cases concluded rose 14.0% during the year, from 5,877 in 2004 to 6,697 in 2005. The number of juries impaneled fell 16.2% from 37 in 2004 to 31 last year. The circuit judges averaged 16 jury trial days each during the year while the number of criminal defendants declined by 160 (or 8.2%) from 1,955 to 1,795.

The three judges in the Thirtieth Circuit averaged 2,285 commenced cases each in 2005, ranking 3rd among the 31 circuits. The Thirtieth averaged 2,232 concluded cases per judge, 4th highest in the state in 2005. The number of commenced cases per judge was 501 above the state average of 1,784 and 343 above the rural average of 1,942. The number of concluded cases per judge (2,232) was 507 above the state average (1,726) and 329 above the rural average (1,903).

At the end of 2005, pending cases in the Thirtieth totaled 6,189, an increase of 0.7% over 2004 levels. The number of pending cases per judge stood at 2,063, 8th in the state among the circuits.

Civil Cases

The number of commenced civil cases decreased 9.9% in 2005 to total 1,542. Of these cases, 1.9% were general district appeals, 34.0% other law, 36.4% divorce, 16.7% other equity and 11.0% appeals from the juvenile and domestic relations (J&DR) district courts. Statewide, the distribution was 2.6% general district appeals, 40.6% other law, 32.7% divorce, 16.7% other equity and 5.3% J&DR appeals.

Of the 1,499 civil cases concluded in 2005, 25.8% were concluded prior to trial by settlement or voluntary dismissal. Bench trials accounted for 27.1% of concluded civil cases while 0.5% were concluded by a jury trial. Statewide, 31.6% of civil cases settled prior to trial in 2005, 20.6% were concluded by bench trial and 0.7% ended by a trial by jury.

Approximately 60.0% of civil cases concluded reached termination with 12 months of filing. Statewide, 72.4% of civil cases ended within that time frame. About 74.0% reached conclusion within two years. The Judicial Council's voluntary case processing time guidelines establish a goal of concluding 90% of civil cases within one year and 100% within two years.

The three judges in the Thirtieth Circuit averaged 514 civil cases each in 2005, ranking 26th among the 31 circuits. The state average for the year totaled 661 civil cases per judge, and the average for judges in rural circuits was 612 civil cases per judge.

Criminal Cases

The number of criminal cases filed in the Thirtieth Circuit increased 8.1% in 2005 from 4,913 cases to 5,313. Of these cases, 50.2% were felonies compared to the statewide average of 70.0%.

Of the 5,198 criminal cases concluded, 9.1% were disposed of by a judge trial while 0.5% reached conclusion by a trial by jury. Statewide, 30.2% of criminal cases were concluded by a judge trial and 1.3% by a jury trial.

Approximately 32.8% of felony cases concluded in the Thirtieth Circuit in 2005 reached termination within 120 days of initiation while 45.6% were disposed of within 180 days. Statewide, 47.1% of criminal cases were concluded within 120 days and 66.1% within 180 days. Among misdemeanor cases, the Thirtieth disposed of 50.0% within 60 days and 65.3% within 90 days compared to state averages of 48.7% and 67.3%, for the same 60 and 90-day time frames. For criminal cases, the Judicial Council's guidelines call for 90% of all felonies to be concluded within 120 days of arrest, 98% within 180 days, and 100% within one year. For misdemeanor cases, the goal is to conclude 90% within 60 days and 100% within 90 days from the date of arrest.

The judges of the Thirtieth Circuit averaged 1,771 criminal cases each in 2005, 2nd among the 31 circuits. This was 648 above the average for judges statewide (1,123) and 441 above the average for judges in rural circuits (1,330 criminal cases each).

Forecast for 2006

Based on historical data, the number of cases commenced in the Thirtieth Circuit is forecast to increase 3.2%, from 6,855 cases in 2005 to 7,073 in 2006. The number of cases concluded is expected to rise 4.1%, from 6,697 to 6,971.

At the forecast caseload levels for 2006, the three judges in the Thirtieth Circuit would each average 2,358 commenced cases and 2,324 concluded cases. This number of commenced cases per judge would be 538 cases above the projected state average for 2006 of 1,820 cases per judge. The number of concluded cases per judge would be 561 cases above the projected state average of 1,762 cases per judge.

If the additional judgeship is granted, the number of commenced cases per judge for the four judges would fall to 1,768, which is 52 cases below the projected state average of 1,820 cases per judge and 174 less than the 2005 average for rural circuits of 1,942. The number of concluded cases per judge would total 1,743, which is 19 less than the forecast average for judges statewide (1,762) and 160 fewer than the 2005 average for rural circuits (1,903 cases per judge).

The Thirtieth Judicial Circuit 2005 AT A GLANCE	
Population	92,322
Cases Commenced	
Law	554
Equity	988
Felony	2,669
Misdemeanor	2,644
Total	6,855
Cases Concluded	
Law	551
Equity	948
Felony	2,609
Misdemeanor	2,589
Total	6,697
Judges	3.0
Commenced Cases/Judge	
Thirtieth	2,285
State	1,784
Rural	1,942
Concluded Cases/Judge	
Thirtieth	2,232
State	1,726
Rural	1,903
2006 FORECAST*	
Commenced Cases/Judge	
With 3 Judges	2,358
With 4 Judges	1,768
State (2005)	1,784
State (2006)*	1,820
Rural	1,942
Concluded Cases/Judge	
With 3 Judges	2,324
With 4 Judges	1,743
State (2005)	1,726
State (2006)*	1,762
Rural	1,903
<small>*Estimate based on historical data.</small>	



Chapter 4

Commission on Virginia Courts in the 21st Century: To Benefit All, To Exclude None

INTRODUCTION

The Commission on Virginia Courts In The 21st Century: To Benefit All, To Exclude None was the judiciary's second futures commission. In 2004, Chief Justice Leroy R. Hassell, Sr., established a planning committee to create a structure for and select the members of the Commission. He selected Anne Marie Whittemore to be the Commission's chair. Ms. Whittemore, a partner in the law firm McGuireWoods, has served as chairman of the board of directors of the Federal Reserve Bank of Richmond and in similar leadership positions with several public companies and educational institutions. The Planning Committee identified the topics that would be addressed by the Commission, recognizing that the Commission would add additional topics as it pursued its work. The Planning Committee selected 44 individuals to serve on the Commission, and the Planning Committee became the core of the Commission's Executive Committee.

The Commission formed five task forces to prepare recommendations for the Commission to consider. There were task forces on judicial administration, judicial functions, the public and the courts, the structure of the judicial system, and technology and science. In addition to including the members of the Commission, the task forces were composed of an additional 64 judges, clerks, attorneys, law professors, and members of the public. There was also an Advisory Committee that consisted of the presidents of statewide bar groups or their designees. This Committee was tasked with presenting the work of the Commission to the members of the statewide bar groups and bringing comments and suggestions back to the Commission.

The Commission started its year-long work in Richmond on October 6, 2005. At this inaugural meeting, the Chief Justice challenged the Commission to look at what the citizens of the Commonwealth would need from the judicial system in the year 2016 and beyond. He indicated

The Commission on Virginia Courts In The 21st Century: To Benefit All, To Exclude None was the judiciary's second futures commission. The Commission started its year-long work in Richmond on October 6, 2005. At this inaugural meeting, the Chief Justice challenged the Commission to look at what the citizens of the Commonwealth would need from the judicial system in the year 2016 and beyond.

At its June meeting the Commission considered 209 recommendations approved by its task forces and adopted 181 preliminary recommendations. During July, the Commission held public hearings on the preliminary recommendations in five locations across Virginia.

that the Commission's subtitle "To Benefit All, To Exclude None" should be a guide to the members as they looked at what the future might hold and ensure that they remember that the judicial system must continue to provide—and be perceived as providing—justice for all Virginians. The Chief Justice challenged the Commission to make recommendations that would safeguard our judicial system and prepare it to address the opportunities and the challenges that we could foresee for the next ten to twenty years.

The task forces held their initial meetings on the afternoon immediately following this first Commission meeting. They organized into sixteen subcommittees. With further meetings beginning just a week after the Commission's opening meeting, the task forces, their chairs, and the subcommittees embarked on an aggressive schedule with the goal of presenting a significant number of preliminary recommendations to the Commission when it met again on March 13, 2006, in Fredericksburg. At that meeting, all the subcommittees had preliminary reports, many of which had already been approved by their task forces. By early June, all of the subcommittee reports had been approved by their respective task forces.

At its June 19-20 meeting in Charlottesville, the Commission considered all 209 recommendations approved by the task forces. With the help of the electronic voting system provided by Virginia CLE, the Commission conducted 216 formal votes (some recommendations had votes on subparts). The Commission adopted 181 preliminary recommendations. Of the original 209, nine were withdrawn without votes and 19 were not adopted. In addition, the Commission did not adopt significant parts of five other recommendations.

During July, the Commission held public hearings on the preliminary recommendations in Roanoke, Abingdon, Fairfax, Richmond, and Virginia Beach. A total of 20 speakers, including 12 current or retired Clerks of the Circuit Court, presented comments to the Commission at the public hearings. In addition, other individuals provided comments on the preliminary recommendations in writing or by phone. Comments addressed 156 of the recommendations as well as an additional 23 topics not related to the preliminary recommendations. Thirty-one recommendations received comments opposing all or part of their contents, but only a handful of these received multiple comments in opposition.

The Commission officially completed its work at its meeting in Richmond on October 6, 2006. It considered the comments presented and voted on a final report. The Commission's final report will be officially presented to the Supreme Court of Virginia and the Judicial Council on January 26, 2007, in Richmond. The Judicial Council will subsequently consider the report and send its recommendations to the Supreme Court of Virginia. Based upon factors such as complexity, resources, and timeliness, the recommendations adopted by the Supreme Court will be considered for inclusion in the biennial strategic plans of the Judicial Branch

or for further study as part of the next several comprehensive planning cycles of the Court.

Timeline of the Futures Commission

<u>Event</u>	<u>Date</u>
1st Commission Meeting	October 6, 2005
Task Force and Subcommittee Meetings	October 2005 to March 2006
2nd Commission Meeting	March 13, 2006
Task Force and Subcommittee Meetings	March 2006 to June 2006
3rd Commission Meeting	June 19-20, 2006
Statewide Public Hearings	July 2006
Task Force and Subcommittee Meetings	
Meetings	August 2006 to September 2006
Final Commission Meeting	October 6, 2006
Presentation of Commission Report	
to the Supreme Court and Judicial Council	January 26, 2007

COMMISSION CHAIR

EXECUTIVE COMMITTEE

**ADVISORY COMMITTEE
(Bar Leaders)**

Task Force	1 Judicial Administration	2 Judicial Functions	3 Public and the Courts
Chair	Judge Randall G. Johnson	Judge Joanne F. Alper	Professor Jayne W. Barnard (W&M)
Subcommittees	1. OES, Support, GAL, Indigent Defense 2. Judicial Vacancies, Selection, Education, Compensation 3. ADR, Mandatory Mediation 4. Security, Bailiffs	1. Probate, Commissioners of Accounts 2. Substitute Judges 3. Commissioners in Chancery 4. Licensing and Disciplining of Lawyers	1. Courthouse Experience 2. Access and Ease of Navigation Through the System 3. Communications, Education, Building Respect for the Law
Topic Responsibilities	OES Judicial Selections Judicial Education Judicial Compensation ADR Mandatory Mediation Guardians Ad Litem Provision of support services Standards for new judgeships Standards for certification of vacancies Indigent Defense Courthouse Security/Sheriffs	Substitute Judges Commissioners of Accounts Commissioners in Chancery Probate Licensing and disciplining of lawyers	Pro Se Litigant forms Cultural Issues Access to the Courts English as a second language Web page (needs) Public Education Aging Population Court Interpreters

Task Force	4 Structure of the Judicial System	5 Technology and Science
Chair	Chief Judge Walter S. Felton, Jr.	Judge John E. Wetsel, Jr.
Subcommittees	1. Structure of the Trial Courts 2. Special Dockets within Trial Courts or Specialty Courts 3. Structure of the Intermediate Appellate Court	1. Web page, OES IT, IT Infrastructure, Delivery of Services 2. Confidentiality, Access to IT, Court Reporters, Courtroom Technology
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Chapter 5

Update on Implementation of the Judicial Performance Evaluation Program

INTRODUCTION

In January 2005, the Supreme Court of Virginia approved the establishment of a permanent Judicial Performance Evaluation (JPE) Program. That year, the General Assembly authorized funding for the statewide implementation of the program, effective July 1, 2005. The program has two principal aims. One is to provide judges with feedback concerning their job performance that can provide guidance toward professional self-improvement. The other is to provide the General Assembly with objective criteria by which to evaluate judges' job performance when the judges are being considered for reelection. Pursuant to § 17.1-100 of the Code of Virginia, all district and circuit court judges are to be evaluated. All judges will have the right to a self-improvement evaluation before any results will be sent to the General Assembly for reelection purposes.

Statewide implementation of the program began in 2005. In October of that year, a program director began working in the Office of the Executive Secretary to serve as primary staff to a permanent Judicial Performance Evaluation Commission. This Commission determines JPE policy and oversees and maintains the effectiveness of the program. The Commission, a nine-member body chaired by Justice Barbara M. Keenan of the Supreme Court of Virginia, convened in January 2006 to begin its work.

ACTIVITY DURING 2006

One of the first tasks before the Commission and Program Director was to secure a survey research firm to serve as the evaluation contractor for an initial two-year period. During 2006, the JPE Program contracted with Virginia Commonwealth University's Survey and Evaluation Research Laboratory (SERL) to send, receive, and interpret surveys about the judges being evaluated. The first evaluations began in December 2006.

The Commission also determined when judges will be evaluated. The determination of a judge's evaluation date is based on his or her beginning of term

During 2006, the JPE Program contracted with Virginia Commonwealth University's Survey and Evaluation Research Laboratory (SERL) to send, receive, and interpret surveys about the judges being evaluated. The first evaluations began in December 2006.

date as computed by the OES human resources system. The frequency of evaluation is different for circuit and district judges. A circuit court judge in her first term will be evaluated three times: in the second, fifth, and eighth (or last) year of her term. The end-of-term evaluation report of results will be transmitted by SERL on behalf of the JPE Commission to the General Assembly as directed by statute. In second and subsequent terms, a judge will be evaluated only in her term's fifth and eighth years, again with the end-of-term evaluation going to the General Assembly for reelection consideration. For a district court judge in his first term, evaluation will occur in the second, fourth, and sixth years of his term, with the last being the end-of-term evaluation that goes to the General Assembly. In second and subsequent terms, the judge will be evaluated only in the fourth and sixth years of his term, again with the sixth year, end-of-term evaluation going to the General Assembly. In calendar year 2006, the program began the evaluation process for 26 judges. The program has 122 judges scheduled for evaluation in 2007.

THE EVALUATION PROCESS

The evaluation process begins with public and private attorneys who have practiced in a courtroom of the judge being evaluated—within the last twelve months for district court judges and within the last three years for circuit court judges. The evaluation is in the form of survey questions based on the principles set forth in the Canons of Judicial Conduct for the Commonwealth of Virginia. The JPE Program collects a list of names of the appropriate attorneys with the assistance of the clerks' offices in the particular courts where the evaluated judge sits. These attorneys receive survey instruments from the survey contractor.

As the program proceeds in 2007, jurors will also be asked to complete specially designed surveys for circuit judges; in addition, Court Services Unit staff, Department of Social Services staff, and others appearing before juvenile and domestic relations (J&DR) district court judges will be asked to participate.

The responses to the surveys are confidential and will be anonymous to the JPE Commission and the evaluated judges. The results of this evaluation will be a summary of the input of all survey participants and will be shared in aggregate form with the Commission and the evaluated judges. Information about the names and addresses of the survey respondents is kept at the SERL office in a database that is separate from all responses to the survey. These two databases are never linked, thereby assuring the confidentiality of the responses.

Once the surveys have been gathered and studied, SERL will complete a report. This aggregate report will contain any comments the attorneys made. The first evaluation report for a given judge is for self-improvement only and will be sent to the evaluated judge and a facilitator (retired) judge. This facilitator judge will have sat as an observer in the courtroom of the evaluated judge during the evaluation period and will also have completed an evaluation survey. The facilitator will meet with the evaluated judge to discuss the survey results. Once this meeting is accomplished, all copies of the surveys and results will be destroyed.

The responses to surveys are confidential and will be anonymous to the JPE Commission and the evaluated judges.

In 2007 the Department of Judicial Information Technology at the Office of the Executive Secretary will design an automated process for collecting the names and bar numbers of the attorneys who have appeared before the judges being evaluated. This advancement will simplify a labor intensive process and enable the JPE Program to download the name of every attorney eligible to receive a survey for an evaluated judge and make it available to VCU-SERL.

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Chair

The Honorable Barbara M. Keenan
Justice, Supreme Court of Virginia

Program Director

The Honorable Suzanne K. Fulton
Judge, Wise General District Court (Retired)
Supreme Court of Virginia
Office of the Executive Secretary

Members

The Honorable David A. Bell
Clerk, Arlington Circuit Court

The Honorable James W. Benton, Jr.
Judge, Court of Appeals of Virginia

The Honorable Janice J. Brice
Judge, Prince William Juvenile and Domestic Relations District Court

The Honorable R. Edwin Burnette, Jr.
Judge, Lynchburg General District Court

Daniel H. Caldwell, Esquire
PennStuart

Frank Doczi

Cynthia Hudson, Esquire
Hampton City Attorney's Office

The Honorable Jane Marum Roush
Judge, Fairfax Circuit Court



Chapter 6

Drug Treatment Court Programs in Virginia

INTRODUCTION

Drug treatment court programs are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process approved by the Supreme Court of Virginia and its local Drug Treatment Court Advisory Committee before establishing a drug treatment court program.

The goals of Virginia's drug treatment court programs include: 1) reducing drug addiction and drug dependency among offenders; 2) reducing recidivism; 3) reducing drug-related court workloads; 4) increasing personal, familiar and societal accountability among offenders; and 5) promoting effective planning and use of resources among the criminal justice system and community agencies.

In adopting the Drug Treatment Court Act (§18.2-254.1), the 2004 General Assembly recognized that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. Through the establishment of drug treatment court programs, the General Assembly expressed its commitment to enhance public safety by facilitating the creation of drug treatment court programs as a means to fulfill these needs. The Supreme Court of Virginia was authorized to provide administrative oversight for the implementation of the Drug Treatment Court Act.

The Supreme Court is also responsible for implementing the state Drug Treatment Court Advisory Committee, chaired by the Chief Justice and comprised of members who represent organizations involved with drug treatment court programs. The purposes of the Committee include recommending standards for the planning and implementation of drug treatment court programs, assisting with program evaluation, and encouraging interagency cooperation. The Act also directs the formation of local drug treatment court advisory committees to establish local eligibility and participation criteria, as well as opera-

The goals of Virginia's drug treatment court programs include: 1) reducing drug addiction and drug dependency among offenders; 2) reducing recidivism; 3) reducing drug-related court workloads; 4) increasing personal, familiar and societal accountability among offenders; and 5) promoting effective planning and use of resources among the criminal justice system and community agencies.

Virginia has implemented 29 drug treatment court programs utilizing four different models, specifically the adult model, the juvenile model, the family model, and the driving under the influence (DUI) model.

tional policies and procedures.

The Act further specifies that an offender's participation in a drug treatment court program be voluntary and occur only by an appropriate written agreement. Participants are also directed to contribute to the provided treatment costs.

DRUG TREATMENT COURT MODELS

Drug treatment court programs generally have taken two approaches to processing cases, including deferred prosecution (diversion) and post-adjudication. In the diversion model, the courts defer prosecution dependent on the offender's agreement to participate in the drug court program, with no requirement for the defendant to plead guilty. Defendants who complete the treatment program are not prosecuted further, or their charges are dismissed. Failure to complete the program results in prosecution for the original offense. In contrast, offenders participating in a post-adjudication drug court program plead guilty to the charge(s), and their sentences are suspended or deferred.

Many different program models have been developed nationally to deal with different offender populations. To date, Virginia has implemented 29 drug treatment court programs utilizing four different models, specifically the adult model, the juvenile model, the family model, and the driving under the influence (DUI) model. While most (16) of the operational drug treatment courts are adult felony drug treatment court programs, there also are one (1) multi-jurisdictional adult misdemeanor DUI drug treatment court program, eight (8) juvenile drug treatment court programs, and four (4) family drug treatment court programs in the state.

Virginia's drug treatment court programs did not come into being at the same time, and their funding sources vary as a result. The fourteen oldest programs operate by a combination of local funds and state general funds administered through the Supreme Court of Virginia. An additional seven (7) programs operate by a combination of local funds and federal funds administered through the Supreme Court of Virginia. The other eight programs exist on volunteer services or local funds. Drug treatment court programs not receiving federal or federal/state funding remain limited in the number of drug offenders they can accept into their programs.

ACTIVITY DURING 2005-2006

The Statewide Drug Treatment Court Advisory Committee held its initial meeting in January 2005. During that year it worked to adopt Standards for adult and juvenile drug treatment court programs and an Application for Permission to Establish a Drug Treatment Court. The standards are based on the "Ten Key Components" of drug treatment courts—nationally recognized performance benchmarks for program operations. During the first year, three Standing Committees, in addition to the Executive Committee, were estab-

lished. These include: 1) the Operations Committee, formerly the Standards Committee, 2) the Planning and Development Committee, and 3) the Evaluation Committee.

In 2006, the Advisory Committee deemed the prior drug treatment court evaluation inconclusive and agreed to start over with the evaluation process. The committee heard a planning report in advance of the first meeting of the Virginia Drug Treatment Court Coordinators that was held in Spring 2006. The Supreme Court of Virginia provided a Virginia Drug Treatment Court Programs web-page on the Virginia Judicial System website. Efforts to upgrade the former, stand-alone Access-based database were revised toward developing a web-based drug treatment court Management Information System. Once fully operational, this system will allow real-time data to be reported locally and statewide. The General Assembly approved general funds to continue the funding for the 14 oldest programs. A Congressionally-earmarked Byrne grant award provided funding for 7 of the programs not funded by the state. Draft DUI Drug Treatment Court Standards were reviewed and adopted. Work to develop standards for the family drug treatment court programs is underway. The drug treatment court budget requests for FY08 were reviewed as a request to fund the evaluation activities, a request (same as prior year) to fund the 10 unfunded programs, a request to fund the four family drug treatment court programs (first time), and a request for an additional full time position for drug treatment court programs administration.

The Virginia Drug Treatment Court Act directs the Office of the Executive Secretary of the Supreme Court of Virginia (OES), in consultation with the Statewide Drug Treatment Court Advisory Committee, to develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment court programs. The Act further directs the OES to provide the General Assembly with a report of these evaluations. Drawing upon prior research which suggests promising results for at least some drug court models, Virginia's current evaluation plan provides a foundational research plan to evaluate each of the four types of drug court programs in Virginia. Virginia's evaluation research model for adult drug treatment court programs is founded on the strategy outlined in the National Drug Court Institute's (NDCI) guidance document (Heck, 2006). The NDCI evaluation model provides an exceptional foundation for conducting research on adult drug treatment court programs; however, similar models for juvenile, family and DUI drug treatment court programs have not yet been endorsed nationally. To this end, Virginia's evaluation plan creates customized evaluation methodologies for each of these models as well. The Virginia evaluation plans are further grounded in the utilization of the newly created web-based Statewide Drug Treatment Court Database which will be highly useful for evaluation purposes. The program of research is intended to contribute to both decision-making regarding Virginia's drug treatment court programs and the larger scope of research literature in this field.

The current multi-year evaluation work plan calls for the completion of the

Virginia's current evaluation plan provides a foundational research plan to evaluate each of the four types of drug court programs in Virginia.

process evaluation phase of the evaluation project around the end of calendar 2007. At the beginning of the year, the 2007 General Assembly will receive a report on the ongoing evaluation effort. By Spring 2007, process evaluation tools should be developed. Intensive site interviews are planned for the spring and summer while professional and participant surveys and interviews are planned for spring, summer, and fall. Other analyses and observations will be added over the year so that a process evaluation report, recommendations, and outcome evaluation methodology will have been drafted or completed by year-end. The next phase of the evaluation project should begin in the Winter of 2007-2008.

The development of drug treatment court programs was the result of the judiciary's efforts to find more effective methods to handle the escalating number of drug offenders on Virginia's court dockets.

CONCLUSION

Judges involved in drug treatment courts, along with state and local criminal justice agency heads and local government officials, continue to strongly support the continuation and expansion of drug treatment courts. The development of drug treatment court programs was the result of the judiciary's efforts to find more effective methods to handle the escalating number of drug offenders on Virginia's court dockets. Drug treatment court programs provide a different type of court intervention in which non-violent substance abusers are held publicly accountable both for their offenses and their recovery. These programs combine intense substance abuse treatment and probation supervision with the court's authority to mandate responsibility and compliance. Judges and local drug treatment court officials report the need to offer services to a greater number of drug offenders in their jurisdictions.

Review of Virginia Drug Treatment Court (DTC) Programs Operational Programs July 2006			
Locality	Court	Court Type	Operational Date
Roanoke City Salem City Roanoke County	Circuit	Adult felony (1)	September 1995
Charlottesville Albemarle County	Circuit	Adult felony (2) Family (3)	July 1997 July 2002
Richmond City	Circuit, J&DR, J&DR	Adult felony (4) Juvenile (5) Family (6)	March 1998 July 1999 September 2002
Rappahannock Area Programs: Fredericksburg Spotsylvania County	Circuit, J&DR,	Adult felony (7) Juvenile (8)	October 1998 November 1998
Fredericksburg Area Programs: Fredericksburg Spotsylvania County Stafford County King George County	Gen. District	DUI (9)	May 1999
Norfolk	Circuit	Adult felony (10)	November 1998
Newport News	Circuit, J&DR J&DR	Adult felony (11) Juvenile (12) Family (13)	November 1998 March 2002 July 2006
Chesterfield County Colonial Heights	Circuit, J&DR	Adult felony (14) Juvenile (15)	September 2000 January 2003
Portsmouth	Circuit	Adult felony (16)	January 2001
Alexandria	J&DR	Family (17)	September 2001
Staunton	Circuit	Adult felony (18)	July 2002
Hopewell, Prince George County	Circuit	Adult felony (19)	September 2002
Lee/Scott/Wise County	J&DR	Juvenile (20)	September 2002
Henrico County	Circuit	Adult felony (21)	January 2003
Hampton	Circuit	Adult felony (22)	February 2003
Hanover County	J&DR	Juvenile (23)	May 2003
Fairfax County	J&DR	Juvenile (24)	May 2003
Suffolk	Circuit	Adult felony (25)	May 2004
Prince William County	J&DR	Juvenile (26)	May 2004
Loudoun County	Circuit	Adult felony (27)	May 2004
Tazewell County (pilot)	Circuit	Adult felony (28)	February 2005
Chesapeake	Circuit	Adult felony (29)	August 2005
Review of Virginia Drug Treatment Court Programs Programs in the Planning Phase			
Locality	Court	Type of Program	
Augusta County	General District	DUI Drug Court Program	
Staunton	General District	DUI Drug Court Program	
Waynesboro	General District	DUI Drug Court Program	
Chesterfield County	General District	DUI Drug Court Program	
Smyth County	Circuit	Adult Felony	
Franklin County	J&DR	Juvenile	
Hanover County	Circuit	Adult Felony	



Chapter 7

Changes to Rules of Court

BACKGROUND

The Constitution of Virginia authorizes the Supreme Court of Virginia to promulgate rules governing the practice and procedures to be used in the courts of the Commonwealth.

In 1974, the Judicial Council of Virginia established an Advisory Committee on the Rules of Court to provide members of the Virginia Bar a means of more easily proposing Rule changes to the Council for recommendation to the Supreme Court. The duties of this committee include: (a) providing the machinery for the evaluation of suggestions for modification of the Rules made by the Bench and Bar and presenting proposed changes to the Judicial Council for its consideration; (b) keeping the Rules up to date in light of procedural changes in other jurisdictions; (c) suggesting desirable changes to clarify ambiguities and eliminate inconsistencies in the Rules; and (d) recommending changes in the Rules to keep them in conformity with the Code of Virginia in order to eliminate possible conflict.

The Advisory Committee on the Rules of Court, as well as the entire Judicial Council, is called upon continually to study and to make recommendations on Rules of Court. Rules recommended by the Council and subsequently adopted by the Supreme Court are published in Volume 11 of the Code of Virginia. All adopted Rule changes are also posted on the Judiciary's website at www.courts.state.va.us.

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND ADOPTED IN 2005 BY THE SUPREME COURT OF VIRGINIA, BECOMING EFFECTIVE IN 2006

Part Two.

Repealed and reserved for future use.

The Judicial Council is called upon continually to study and to make recommendations on Rules of Court.

Part Three.

Repealed existing Part Three of the Rules of Court and replaced with new Part Three (originally proposed as Part Nine, published in Chapter 4 of the Judicial Council of Virginia 2004 Report to the General Assembly and Supreme Court of Virginia)

- Rule 2:18 Use of and Proceedings Before a Comm. In Chancery (conforming amend.); becomes Rule 3:23 as of January 1, 2006
- Rule 2A:4 Petition for Appeal (conforming amend.)
- Rule 4:0 Application of Part Four (conforming amend.)
- Rule 4.5 Depositions Upon Oral Examination (conforming amend.)
- Rule 4.7 Use of Depositions in Ct. Proceedings (conforming amend.)
- Rule 4.8 Interrogatories to Parties (conforming amend.)

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL IN 2005 AND ADOPTED BY THE SUPREME COURT OF VIRGINIA IN 2006

- Rule 1:6 Res Judicata Claim Preclusion (approved by Council as proposed Rule 3:24)
- Rule 3:4 Copies of Complaint
- Rule 3:8 Answers, Pleas, Demurrers and Motions
- Rule 3:9 Counterclaims
- Rule 3:10 Cross-Claims
- Rule 3:24 Appeal of Orders of Quarantine or Isolation regarding Communicable Diseases of Public Health Threat (approved by Council as proposed Rule 3:25)
- Rule 4:2 Depositions Before Action or Pending Appeal (conforming amend.)
- Form 10 Appendix of Forms, Part Three-A, Contents of Sentencing Orders

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND ADOPTED BY THE SUPREME COURT OF VIRGINIA

- Rule 3A:9 Pleadings & Motions for Trial: Defenses & Objections
- Rule 5:2 Sessions
- Rule 5A:6 Notice of Appeal
- Rule 5A:11 Special Rule Applicable to Appeals from the Worker's Compensation Commission

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL TO THE SUPREME COURT OF VIRGINIA (not adopted as of December 31, 2006)

- Rule 1:2 Venue in Criminal Cases (move to Part 3A as Rule 3A:2.1)
- Rule 3:2 Commencement of Civil Actions
- Rule 3:21 Jury Trial of Right
- Rule 3:22 Trial by Jury or by the Court

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Judicial Council of **VIRGINIA**

Proposed Legislation



2006

REQUEST FOR NEW JUDGESHIPS IN THE TENTH, TWENTY-SIXTH, TWENTY-SEVENTH, AND THIRTIETH JUDICIAL CIRCUIT

A BILL to amend and reenact § 17.1-507 of the Code of Virginia, relating to number of circuit court judges.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-507 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The number of judges of the circuits shall be as follows:

First - 5

Second - 10

Third - 5

Fourth - 9

Fifth - 3

Sixth - 2

Seventh - 5

Eighth - 4

Ninth - 4

Tenth - ~~34~~

Eleventh - 3

Twelfth - 5

Thirteenth - 8

Fourteenth - 5

Fifteenth - 8

Sixteenth - 5

Seventeenth - 4

Eighteenth - 3

Nineteenth - 15

Twentieth - 4

Twenty-first - 3

Twenty-second - 4

Twenty-third - 6

Twenty-fourth - 5

Twenty-fifth - 4

Twenty-sixth - ~~56~~

Twenty-seventh - ~~56~~

Twenty-eighth - 3

Twenty-ninth - 4

Thirtieth - ~~34~~

Thirty-first - 5

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

LISTS OF QUALIFIED PERSONS TO BE PREPARED BY JURY COMMISSIONERS

A BILL to amend and reenact §§ 8.01-345, 8.01-346, and 25.1-229 of the Code of Virginia, relating to jury selection in condemnation cases.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-345, 8.01-346, and 25.1-229 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-345. Lists of qualified persons to be prepared by jury commissioners; random selection process.

The commissioners shall, not later than December 1 following their appointment, submit a list showing the names, addresses, freeholder status and, if available, the occupations of such of the inhabitants of their respective counties or cities as are well qualified under § 8.01-337 to serve as jurors and are not excluded or exempt by §§ 8.01-338 to 8.01-341 and 8.01-342. Such master jury list shall be used in selecting jurors for a twelve-month period beginning on the first day of the first term of court in the calendar year next succeeding December 1. The number of persons selected for each court shall be as specified in the order appointing the commissioners.

The jury commissioners shall utilize random selection techniques, either manual, mechanical or electronic, using a current voter registration list and, where feasible, a list of persons issued a driver's license as defined in § 46.2-100 from the Department of Motor Vehicles, city or county directories, telephone books, personal property tax rolls, and other such lists as may be designated and approved by the chief judge of the circuit, to select the jurors representative of the broad community interests, to be placed on the master jury list. The commissioners shall make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list. After such random selection, the commissioners shall apply such statutory exceptions and exemptions as may be applicable to the names so selected. The chief judge shall promulgate such procedural rules as are necessary to ensure the integrity of the random selection process and to ensure compliance with other provisions of law with respect to jury selection and service.

Where a city and county adjoin, in whole or in part, the names of the inhabitants of a city shall not be placed upon the county list, nor those of a county upon the city list except in those cases in which the circuit court of the county and the circuit court of the city have concurrent jurisdiction of both civil and criminal cases arising within the territorial limits of such county or city. However, in the case of the City of Franklin and the County of Southampton, the number of jurors selected from Southampton County shall be proportionate to the number of jurors selected from the City of Franklin based upon the respective populations of the county and city.

§ 8.01-346. Lists to be delivered to clerk and safely kept by him; addition and removal of names.

The list so prepared shall be delivered to the clerk of the court to be safely kept by him. The list shall include a notation indicating those persons who are freeholders. The judge may from time to time order the commissioners to add to the list such additional number of jurors as the court shall direct and to strike therefrom any who have become disqualified or exempt.

§ 25.1-229. Selection of jurors.

~~A. The jury commissioners established pursuant to Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 shall select condemnation jurors. Except as otherwise provided in this subsection, the provisions of §§ 8.01-345, 8.01-346, 8.01-347, 8.01-356, and 8.01-358 relating to procedures for preparing this list from which members will be chosen, penalties for failure to appear and voir dire examination Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 shall apply to the selection of condemnation jurors; mutatis mutandis. While preserving the random selection process set forth in § 8.01-345, the jury commissioner shall ~~determine~~ confirm the freeholder status of individuals randomly selected by reference to tax rolls or other reliable data the judge of the circuit court deems appropriate.~~

~~B. The condemnation jury shall be comprised of five members. The members of the condemnation jury shall be drawn from the list submitted by the jury commission. The clerk shall, in the presence of the judge, after thoroughly mixing the ballots in the box, openly draw nine names therefrom. At the same time, the names of at least two additional persons shall be drawn to act as alternate jurors in the event of the death, absence, or disability of any acting juror. However, all of the acting jurors and all of the names drawn for alternate jurors shall be freeholders of property within the jurisdiction. As soon as practicable thereafter, the clerk shall serve notice on the jurors so drawn to appear in court on the date set for trial. Alternatively, the procedures for selection by mechanical or electronic techniques as provided in § 8.01-350.1 may be utilized.~~

~~C. After each ballot containing a juror's name has been drawn, it shall be placed in a secure envelope maintained for the purpose of holding drawn ballots. The envelope shall be kept in the ballot box. No drawn ballot shall be returned to the pool of undrawn ballots until the pool has been exhausted, except as may be required to ensure that the required number of names drawn are freeholders of property within the jurisdiction.~~

~~However, the clerk shall immediately return to the pool of undrawn ballots the ballot of any juror who was drawn but was excused by the court from appearing or was not required to appear because of trial cancellation. When the pool is exhausted, all ballots shall be returned to the box and drawing shall begin again. Alternatively, the procedures for selection by mechanical or electronic techniques as provided in § 8.01-350.1 may be utilized.~~

~~D. It shall be the duty of the clerk to notify each juror whose name has been drawn of the date on which he is to appear to hear the case. The notice shall be in writing and shall be delivered at least seven days prior to the trial. The clerk shall also promptly notify in writing the jurors who have been struck by pretrial challenge that they need not appear.~~

~~E. The court shall have the discretionary power to excuse a juror's attendance on any given day or for any specific case upon request of the juror for good cause shown. If a juror is so excused seven or more days prior to trial, a replacement juror shall be drawn and notified under the procedures provided in this section.~~

~~F. On the day set for trial, jurors who appear shall be called to be sworn on their voir dire until a disinterested and impartial panel is obtained. A juror may be stricken for cause. From the impartial panel the judge shall randomly select 13 jurors. From the panel of 13 jurors each party shall have four preemptory strikes. Five persons from a panel of not fewer than 11 jurors shall constitute a jury in a condemnation case. If fewer than seven jurors remain before the court prior to the exercise of preemptory strikes, the trial may proceed and be heard by less than five jurors provided the parties agree. However, no trial shall proceed with fewer than three jurors.~~

~~G. The conclusion of the jurors need not be unanimous, and a majority of the jurors may act in the name of the jury.~~

~~H. In condemnation proceedings instituted by the Commonwealth Transportation Commissioner, a person owning structures or improvements for which an outdoor advertising permit has been issued by the Commonwealth Transportation Commissioner pursuant to § 33.1-360 shall be deemed to be an "owner" for purposes of this section.~~

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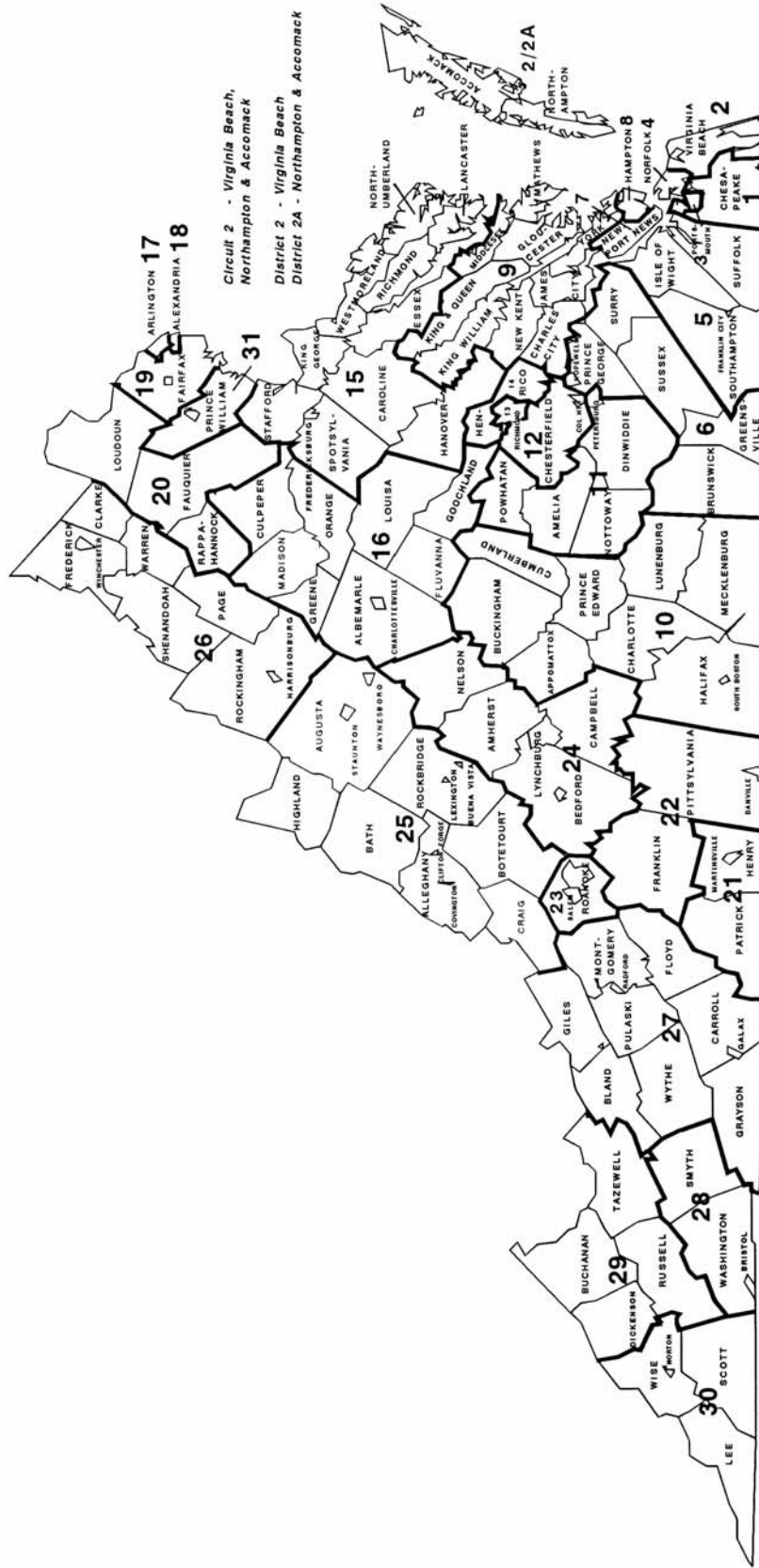
Judicial Council of VIRGINIA

Map of the Judicial Circuits and Districts



2006

Judicial Circuits and Districts of Virginia



Prepared in the Office of the Executive Secretary,
 Supreme Court of Virginia - December 2006

Virginia Localities by Judicial Circuit/District

Accomack	2/2A	Galax	27	Portsmouth	3
Albemarle	16	Giles	27	Powhatan	11
Alexandria	18	Gloucester	9	Prince Edward	10
Alleghany	25	Goochland	16	Prince George	6
Amelia	11	Grayson	27	Prince William	31
Amherst	24	Greene	16	Pulaski	27
Appomattox	10	Greensville	6	Radford	27
Arlington	17	Halifax	10	Rappahannock	20
Augusta	25	Hampton	8	Richmond County	15
Bath	25	Hanover	15	Richmond City	13
Bedford County	24	Harrisonburg	26	Roanoke County	23
Bland	27	Henrico	14	Roanoke City	23
Botetourt	25	Henry	21	Rockbridge	25
Bristol	28	Highland	25	Rockingham	26
Brunswick	6	Hopewell	6	Russell	29
Buchanan	29	Isle of Wight	5	Salem	23
Buckingham	10	James City	9	Scott	30
Buena Vista	25	King and Queen	9	Shenandoah	26
Campbell	24	King George	15	Smyth	28
Caroline	15	King William	9	Southampton	5
Carroll	27	Lancaster	15	South Boston	10
Charles City	9	Lee	30	Spotsylvania	15
Charlotte	10	Lexington	25	Stafford	15
Charlottesville	16	Loudoun	20	Staunton	25
Chesapeake	1	Louisa	16	Suffolk	5
Chesterfield	12	Lunenburg	10	Surry	6
Clarke	26	Lynchburg	24	Sussex	6
Colonial Heights	12	Madison	16	Tazewell	29
Covington	25	Manassas	31	Virginia Beach	2
Craig	25	Manassas Park	31	Warren	26
Culpeper	16	Martinsville	21	Washington	28
Cumberland	10	Mathews	9	Waynesboro	25
Danville	22	Mecklenburg	10	Westmoreland	15
Dickenson	29	Middlesex	9	Williamsburg	9
Dinwiddie	11	Montgomery	27	Winchester	26
Emporia	6	Nelson	24	Wise	30
Essex	15	New Kent	9	Wythe	27
Fairfax County	19	Newport News	7	York	9
Fairfax City	19	Norfolk	4		
Falls Church	17	Northampton	2/2A		
Fauquier	20	Northumberland	15		
Floyd	27	Norton	30		
Fluvanna	16	Nottoway	11		
Franklin County	22	Orange	16		
Franklin City	5	Page	26		
Frederick	26	Patrick	21		
Fredericksburg	15	Petersburg	11		
		Pittsylvania	22		

Note	
Circuit 2	Virginia Beach Accomack Northampton
District 2	Virginia Beach
District 2A	Accomack Northampton

Virginia Judicial Circuits and Districts

1	Chesapeake	13	Richmond	25	Alleghany Augusta Bath Botetourt Buena Vista Covington Craig Highland Lexington Rockbridge Staunton Waynesboro
2	Virginia Beach	14	Henrico		
2A	Accomack Northampton	15	Caroline Essex Fredericksburg Hanover King George Lancaster Northumberland Richmond Spotsylvania Stafford Westmoreland		
3	Portsmouth				
4	Norfolk				
5	Franklin City Isle of Wight Southampton Suffolk			26	Clarke Frederick Page Rockingham Harrisonburg Shenandoah Warren Winchester
6	Brunswick Emporia Greensville Hopewell Prince George Sury Sussex	16	Albemarle Charlottesville Culpeper Fluvanna Goochland Greene Louisa Madiso Orange	27	Bland Carroll Floyd Galax Giles Grayson Montgomery Pulaski Radford Wythe
7	Newport News				
8	Hampton	17	Arlington Falls Church		
9	Charles City Gloucester James City King & Queen King William Mathews Middlesex New Kent Poquoson Williamsburg York	18	Alexandria		
		19	Fairfax County Fairfax City		
		20	Fauquier Loudoun Rappahannock	28	Bristol Smyth Washington
		21	Henry Martinsville Patrick	29	Buchanan Dickenson Russell Tazewell
10	Appomattox Buckingham Charlotte Cumberland Halifax Lunenburg Mecklenburg Prince Edward	22	Danville Franklin County Pittsylvania	30	Lee Norton Scott Wise
		23	Roanoke City Roanoke County Salem	31	Manassas Manassas Park Prince William
11	Amelia Dinwiddie Nottoway Petersburg Powhatan	24	Amherst Bedford City Bedford County Campbell Lynchburg Nelson		
12	Chesterfield Colonial Heights				

