

EXECUTIVE SECRETARY
KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
SANDRA L. KARISON, DIRECTOR

EDUCATIONAL SERVICES
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FISCAL SERVICES
BARRY M. WENZIG, DIRECTOR

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
MICHAEL J. RIGGS, SR., DIRECTOR

JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR

JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
ALISA W. PADDEN, DIRECTOR

MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

October 20, 2021

The Honorable John S. Edwards
Chair, Judiciary Committee
Senate of Virginia
P.O. Box 1179
Roanoke, Virginia 24006-1179

The Honorable Charniele L. Herring
Chair, Courts of Justice Committee
Virginia House of Delegates
P.O. Box 11779
Alexandria, VA 22312

Robyn M. de Socio
Executive Secretary
Compensation Board
P.O. Box 710
Richmond, VA 23218

Dear Chairs Edwards and Herring, and Ms. de Socio:

Virginia Code § 17.1-507 provides that 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 reports its findings and recommendations. The Judicial Council recommends the authorization of one additional judgeship in the Thirty-First Judicial Circuit.

Please find enclosed the Request for an Additional Judge, provided by the Thirty-First Judicial Circuit of Virginia, and considered and approved by the Judicial Council on October 19, 2021.

With best wishes, I am,

Very truly yours,

Handwritten signature of Karl R. Hade in black ink.

Karl R. Hade

KRH:jrp

Enclosure

PRINCE WILLIAM COUNTY CIRCUIT COURT

31st JUDICIAL CIRCUIT OF VIRGINIA

REQUEST FOR AN ADDITIONAL JUDGE

The Honorable Kimberly A. Irving, Chief Judge

October 2021

PRINCE WILLIAM COUNTY CIRCUIT COURT

31st JUDICIAL CIRCUIT OF VIRGINIA

CIRCUIT COURT JUDGES

KIMBERLY A. IRVING, CHIEF JUDGE

CARROLL A. WEIMER, JR.

TRACY C. HUDSON

JAMES A. WILLETT

ANGELA L. HORAN

PETULA C. METZLER

CLERK OF COURT

JACQUELINE C. SMITH

PRINCE WILLIAM COUNTY CIRCUIT COURT
31st JUDICIAL CIRCUIT
REQUEST FOR AUTHORIZATION FOR AN ADDITIONAL JUDGE

I. Background

The Prince William County Circuit Court has a need for an additional judge due to our increased case backlog, over-booked dockets, increased complexity of cases, changes to our court system, and the diversity of the population we serve. The Virginia Judicial Workload Assessment of 2017 set out to standardize the needs of each county by amassing a statewide snapshot of time reportedly spent in court on each case by type, and then averaging and extrapolating to create a working assumption of the time it should take the average judge in Virginia to handle a case of a particular type. The Workload Assessment applied these time-per-case assumptions to the available data about case filings in each jurisdiction, to determine the number of judges each jurisdiction needs into the future. The Workload Assessment was not designed to consider any backlog of cases that might already have existed in a particular jurisdiction, nor are its basic assumptions about time-per-case open to variation if a significant number of cases in an entire class poses more complexity in a particular jurisdiction when compared with the rest of the Commonwealth. Because of these and other limitations, the Workload Assessment, while a necessary starting point for appropriately staffing the Commonwealth's courts, has limited utility for ensuring that Virginia's courts are appropriately staffed on an ongoing basis. Real-world experience should be considered of more importance in addressing what results in a jurisdiction's critical shortage of resources, even if the conclusions to be drawn from that real-world experience run counter to the assumptions of the Workload Assessment.

The case filing data available for Prince William County led to the Workload Assessment's recommendation that we have six judges. Today's data would indicate that our new filings have decreased when viewed across the board. And yet, we are handling more cases, spending longer hours on the bench and even sending cases away on their scheduled court dates because six judges are not enough, working all day, to hear all the scheduled cases. The situation on the ground in Prince William differs greatly from the assumptions and predictions of the Assessment. We have investigated why this is so.

Since at least 2015, Prince William County has had a backlog of cases. In the years since, there have been times when we have had greater success in our effort to eliminate it. Today, while our closure rates are 63% for criminal cases, our dockets are growing faster than we can address the backlog. (Exhibit 1). Interpreters are required more than ever due to our diverse population. The use of interpreters necessarily leads to longer trials. Our cases are becoming increasingly complicated. The users of our courts are using more technology to present their cases, and our hearings in those instances take more time as we try to make our antiquated resources work. For these and other reasons, over the past six months it has become extremely difficult for our judges to give every single case the attention and care it deserves. We find ourselves pressed to rush through a case so we can take up the next one. This is of course troublesome in any court, but we feel obligated, as a court of record, to give litigants as full an opportunity to make a record as is consistent with fairness, without imposing unnecessary additional time constraints to get to other cases. Some degree of pressure will always exist, no matter how well-resourced a court may be, but we find ourselves at a point where the proper administration of justice is better served by

asking for help than continuing as we are. Authorization of an additional judge would better ensure that each person who comes before our Court is afforded an opportunity to present their case in circumstances where fairness is protected more than it can be now.

Aside from the difficulties posed to all courts as a result of the pandemic and the other issues mentioned, our Court has faced significant institutional changes in the last year. Prince William County established its first Office of the Public Defender in June 2020, and our criminal motions docket has grown significantly as a direct result.

In addition, the citizens of Prince William desperately need new court services. Prince William County is the second most populous jurisdiction in Virginia. The problem of drug addiction is as great here as it is anywhere in the Commonwealth; a great number of the people appearing on our sentencing and revocation dockets need an effective focus on their drug addiction in order to break away from criminal behavior. We need a Drug Court; no jurisdiction in Virginia of our size is without one. We are trying to establish one. However, because the calendar of the Court is full, we struggle to find an adequate time to meet the needs of this docket.

Our judicial resources are stretched thin. We need a seventh judge to fill in the gaps that continue to grow. The purpose of this proposal is to give a complete and accurate picture of the evolving needs of our Court and how an additional judge would be utilized to serve our jurisdiction.

II. Virginia Judicial Workload Assessment Final Report - November 2017

The last time our needs were evaluated was with the 2017 Virginia Judicial Workload Assessment. (Exhibit 2)

The Judicial Workload Assessment Report is not an accurate depiction of our Court's dockets. Our Court is being compared to jurisdictions that do not handle cases in the same way we are constrained to do.

Caution should be advised when using case filing data, in the criminal context, as a controlling factor in determining judicial workload based on time-per-case. It must be recognized, when using criminal case data, that the number of charges is not a reliable indicator of the time spent addressing the type of charge. In those jurisdictions where prosecutors routinely bring multiple charges with the intention of proceeding on only a few, it appears that the court is dealing with many substantive cases in a short time. Including this type of situation in the raw data brings down the entire statewide assumption of time needed to deal with the typical or theoretical criminal case of that type. For this reason, the time-per-case assumptions for criminal cases are open to question. In our jurisdiction and in our real-world experience, the Commonwealth's Attorney of Prince William County does not bring charges to Circuit Court with the intention of dismissing them. All nolle prosequi motions are made in the District Courts and only that which is going to be pled to or tried is elevated to Circuit. The Assessment states that felonies take 44 minutes to hear. (Exhibit 2). No matter how much time we spend on felony charges brought to us in Circuit Court, the statewide assumption, built on a multitude of criminal charges brought and dismissed summarily elsewhere in the Commonwealth, applies to us and indicates that we should be able to handle those cases in far less time than they take. Holding us to the

Assessment assumptions rather than considering the time we actually spend on criminal cases penalizes Prince William County. We have a prosecutor who will not overburden the defense or the system with charges she does not intend to pursue; under the Workload Assessment, there is a direct line of causation between this independent constitutional officer's policy and understaffing the Circuit Court.

Our court is facing extremely high numbers of serious criminal cases. As of October 1, 2021, the Thirty-First Judicial Circuit Court has the highest number of robberies, aggravated sexual battery, possession of child pornography, abduction, object sexual penetration, and gang participation cases of the jurisdictions that are similar enough for comparison. (Exhibit 3). Further, with the elimination of jury sentencing comes an increased demand for jury trials by the defense, particularly for charges of this type.

As mentioned above, the Assessment concludes that, on average, "circuit court judges in Virginia devote 44 minutes of time to each Non-Capital Felony case throughout the life of the case" and that judges devote 10 minutes to each misdemeanor case throughout the life of the case. (Exhibit 2, page 19). However, the life of both felony and misdemeanor cases often includes multiple pretrial motions, pleas or trial, and sentencing. A case that may eventually resolve by a plea could still involve months of litigation and often requires hours of argument on pretrial motions. For example, a recent case that concluded with a plea on the second day of trial was calculated to have taken 55 hours in court. While not all cases take that much time, we are experiencing a trend of increased motions practice over a wider array of cases. The increased advocacy on behalf of the Commonwealth Attorney and the defense bar is beneficial to the citizens of the county. However, this results in substantially more time in court.

The most significant portion of the time devoted to non-jury trials is spent hearing contested domestic relations cases. Prince William County has the highest number of domestic relations cases in the entire Commonwealth with the possible exclusion of Fairfax County. (Exhibit 4). The Workload Assessment states that contested domestic matters take an average of 95 minutes. Many of our trials take multiple days. Several factors unique to Prince William may account for this difference between statewide assumptions and our experience. We have a large military population due to the location of Marine Corps base Quantico here, and our proximity to Washington D.C., a higher-than-average household income, and a large population of Federal Government workers. All these factors play a role in the length and complexity of divorce cases – particularly the vigor with which complex issues of support and equitable distribution are litigated. While the state average may be 95 minutes for a contested divorce, it is not unusual for our courtrooms to be filled every day with multi-day divorce trials. For example, in November we have 12 days on which domestic relations trials are scheduled. On those days we have 56 trial slots filled with divorce or custody and visitation trials and we have 13 pendente lite hearings scheduled. Of course, some of these trials will settle if history is any indication; however, the cases that have been pending a long time often will not. Many of these cases are scheduled for multiple days with the longest taking up 4 days on the docket. While 4-day domestic trials are rare, 2-3 days is common. These trials often involve issues related to custody and visitation, support, and equitable distribution. The median household income in Prince William County is approximately \$107,132. The individuals that are taking their cases to trial frequently have substantial assets which complicate the case requiring more time in court as well as more time out of court for the Judge responsible for the case.

For all the reasons stated above, the Judicial Workload Assessment is not an accurate depiction of the needs of Prince William County. It is imperative to look at the workload the Court currently handles in light of the unique conditions of the county.

III. Circuit Court Data for Prince William County

The Prince William County Circuit Court is requesting the authorization of an additional judge to help better serve our community and the litigants that come before us. Our Court currently has an extremely high backlog of cases. It is important to note that this was a problem long before the Covid-19 pandemic. Our Court has been labeled in the past as a “low performing jurisdiction” based on our clearance rates compared to our caseload. However, the data used to determine need has simply never been accurate given the makeup of Prince William County or our Court. Our bench has been understaffed for years. We were first approved for a 6th judge in 2015, but in 2018 that position was eliminated. The position was not restored until 2019. It is not surprising that our clearance rate in 2018 was concerning. (Exhibit 5). It is because we were understaffed. We continue to be so.

Our Court has continued to work on our clearance rates, but the fact is that despite our best efforts, the caseload keeps growing. Our dockets are intentionally overbooked to try to ensure that our courtrooms are not idle when many cases settle on the courthouse steps. Even if it were not our policy to overbook, the number of cases clamoring for resolution demand it. The result is that we have no additional resources to do more. Therefore, it is almost impossible to clear the backlog that has existed since at least 2015.

The overbooking of our dockets and the backlog of cases have resulted in extreme limitations on our Court’s ability to set cases timely. While we try to limit the Court’s calendar, civil cases are often set far into the future to have a reasonable probability of being heard. However, the demands of our criminal docket must take precedence and if a defendant is in jail their case must be heard within 5 months. We have no open trial slots in the statutorily required time. (Exhibit 6).

a. Case Backlog

The Prince William County Circuit Court is on track to have over 20,000 new cases filed in 2021. Although the volume of criminal and civil case filings is substantial, our main issue is our case backlog. As of October 1, 2021, our Court had 3,493 felony criminal matters pending—2,244 of which had been pending for over a year. (Exhibit 7). When comparing this to other counties with the same or a similar number of judges, this is the highest number of cases pending for more than 365 days. Our Court also has approximately 10,523 civil matters pending—7,534 of which have been pending for over 365 days.

When looking at domestic cases alone, our Court’s number of pending domestic cases is higher than any other jurisdiction in the Commonwealth.¹ (Exhibit 4). There are 2,910 domestic cases pending in our Court—64% of which have been pending for longer than a year. Chesterfield,

¹ This excludes Fairfax County because they use a different system to calculate their number of case filings.

Norfolk, and Richmond—all circuits with the same or a similar number of judges to Prince William—have 3,020 pending domestic cases *combined*. (Exhibit 8).

This situation is not new. In 2015, 2016, 2017, 2018, 2019, 2020, and 2021, our Court had the longest median age from filing to disposition for felony cases when comparing our Court to similar jurisdictions. In 2016, 2018, and 2020, the same was true for medical malpractice cases. Additionally, in 2015, 2016, 2018, 2019, 2020, and 2021, motor vehicle tort cases had the longest time from filing to disposition when compared to other jurisdictions. (Exhibit 9). These types of cases are most often tried to a jury. It is clear from these statistics, that our current crisis is not a result of recent events. It has been building since at least 2015, and it will only continue to get worse as our population increases and our caseload continues to grow.

b. Overbooked Dockets & Limitations in Docketing

As our Court tries to overcome the years-long backlog of cases, our dockets have become unmanageable for six judges. Our dockets are so over-booked that throughout the months of November and December alone, we have 109 jury trials and 106 bench trials scheduled. Six judges cannot hear 215 trials in two months.

Additionally, our Court often places civil cases “on hold” on days where our Court is overbooked and there are not enough judges to hear every case when court begins. It has become common, as an overbooked day wears on, to send some of these cases away without being heard. Because we are prioritizing criminal matters and jury trials, many non-jury civil matters are placed “on hold” and left unheard.

Three Thursdays each month our Court has at least two (sometimes three) judges sentencing in the morning *and* the afternoon.² Our Thursday dockets are full. In addition to criminal sentencing, we hear *ore tenus* divorce cases, pre-trial conferences, criminal pleas and suppression motions. Our court has recently added jury trials to continue into Thursday to attempt to better serve the community. Years ago, Thursday was a day we could use to prepare our Friday motions dockets. It is no longer available for that.

Because our Court does not have the number of judges our daily caseloads require, we have little to no flexibility in our docket scheduling. Our court needs to continue cases in order to get everyone heard, but we must weigh that reality with the fact that a continued trial will not be heard for at least 6 months.

c. Snapshot of Prince William County’s Dockets

Our jurisdiction conducts jury trials Monday through Thursday and bench trials Monday through Wednesday. As indicated above the court hears an array of case types on Thursdays, and Friday mornings are reserved for motions. Friday afternoons are filled with longer sentencings and longer motions. Bond motions and criminal pleas are heard Monday through Thursday on the morning docket.

² Each judge also has a sentencing docket one Friday afternoon each month.

Our court overbooks the regular docket, Monday through Wednesday, to account for the rate of cases that settle. The capacity that statistically should work so we can ensure everyone is heard, is to set eight jury trials and six non-jury trials each Monday through Wednesday. We also set two Pendente Lite motions, protective order hearings, rules to show cause in domestic cases, and criminal pleas on Monday through Wednesday. We allow three jury trials to go into Thursday. If we were able to keep to those limits it would have us set more than twice as many cases for hearing than we have judges, but it is common for 50% to settle or need a continuance. At this time, we are overbooking far beyond this estimated capacity -- on one day later this Fall we have 18 jury trials scheduled. (Exhibit 6).

Against this background, the demand for jury trials has drastically increased. At our October 5, 2021 Criminal Term Day, 50% of criminal defendants on the docket requested trials as opposed to pleas and of those trials only 2 wanted a non-jury trial. Our civil term docket in October was not any better. The Court set 28 trials, 19 bench trials, and 9 jury trials—17 of which span for more than one day. The Court was forced to set civil jury trials into the year 2023 due only to having insufficient space on the court’s docket until then.

Exhibit 6 shows our trial dockets, but the charts below show what we have done each Thursday and Friday of the last two weeks, which is not indicated on the trial docket.

On Thursday, October 7, 2021, two judges sentenced all day, and two judges heard multi-hour criminal motions in the morning. This left two judges to hear the other 14 cases on our docket. Further, five of our six judges were on the bench for a 1:00 P.M. docket (either a discretionary matter or sentencing).

Thursday October 7, 2021

Courtroom	Time & Type of Hearing	Length
Courtroom 1	9:00 am: Sentencing	13 Criminal Defendants
	1:00 pm: Sentencing	12 Criminal Defendants
Courtroom 2	9:00 am: Sentencing	9 Criminal Defendants
	1:00 pm: Sentencing	8 Criminal Defendants
Courtroom 3	9:00am: Ore Tenus	5 Divorces
	10:00am: Criminal Docket	8 Criminal Defendants
Courtroom 4	10:00am: Criminal Docket	1 Trial 3 Pleas
	1:00pm: Cross Motions for Pendente Lite Relief	2 Hour PL Hearing
Courtroom 5	9:00am: Criminal Motions (Abduction/Malicious Wounding)	2 Hours
	1:00pm: Pretrial Conferences	1 Hour
Courtroom 6	9:00am: Suppression Motion (Malicious Wounding/Robbery)	2 Hours
	1:00pm: Domestic Motions	1 Hour

On Friday, October 8, 2021, six judges split 58 criminal cases at 9:00 A.M., 71 civil cases at 10:30 A.M., two judges sentenced at 1:00 P.M and one heard multi-hour civil motions at 1:00 P.M. for an upcoming jury trial.

Friday, October 8, 2021

Courtroom	Time & Type of Hearing	Length
Courtroom 1	9:00am: Criminal Docket	9 Cases
	10:30am: Civil Docket	12 Cases
Courtroom 2	9:00 am: Criminal Docket	8 Cases
	10:30am: Civil Docket	13 Cases
Courtroom 3	9:00am: Criminal Docket	9 Cases
	10:30am: Civil Docket	12 Cases
	1:00pm: Sentencing	10 Criminal Defendants
Courtroom 4	9:00am: Criminal Docket	10 Cases
	10:30am: Civil Docket	11 Cases
	1:00pm: Complex Civil Pretrial Motions (Motor Vehicle Tort, Jury Trial)	Multi-hour hearing including: <ul style="list-style-type: none"> • Entry of Nonsuit Order, Amendment of Case Caption, and the Empty Chair Defense • Plaintiff's Motion to Strike • Plaintiff's Motion in Limine • Defendant's Motion in Limine • Entry of Order from 9/10/21 Hearing • Entry of Order from 10/1/21 Hearing
Courtroom 5	9:00am: Criminal Docket	10 Cases
	10:30am: Civil Docket	11 Cases
Courtroom 6	9:00am: Criminal Docket	11 Cases
	10:30am: Civil Docket	12 Cases
	1:00pm: Sentencing	6 Criminal Defendants

On Thursday October 14, 2021, in the morning three judges sentenced, one judge heard a three-hour criminal motion, and two judges handled the other 22 cases on the docket. All judges had 1:00 P.M. dockets, therefore one judge paused their sentencing docket and handled civil pre-trial conferences as well.

Thursday, October 14, 2021

Courtroom	Time & Type of Hearing	Length
Courtroom 1	10:00am: Criminal docket	10 cases
	1:00pm: Complex Civil Motions (Contract Action)	Multi-hour hearing including: <ul style="list-style-type: none"> • Demurrer • Plea in Bar • Motion Craving Oyer • Motion for Entry of Default Judgment

Courtroom 2	9:00am: Criminal Pretrial Motions (Murder, Jury Trial)	3 Hours
	1:00pm: Criminal Pretrial Motions (Domestic Assault, Child Victim, Jury Trial)	2 Hours
Courtroom 3	10:00am: Criminal Docket,	12 Cases
	1:00pm: Complex Civil Motions (Statute of Limitations Plea in Bar, Jury Trial)	Multi-hour hearing including: <ul style="list-style-type: none"> • Motion for Partial Summary Judgment • Argument on Jury Instructions
Courtroom 4	9:00am: Sentencing	14 Criminal Defendants
	1:00pm: Sentencing	18 Criminal Defendants
Courtroom 5	9:00am: Sentencing	27 Criminal Defendants
	1:00pm: Pretrial Conferences	1 Hour
Courtroom 6	9:00am: Sentencing	8 Criminal Defendants
	1:00pm: Domestic Motions	1 Hour

On Friday, October 15, 2021, six judges split 50 criminal matters at 9:00 A.M., 58 civil cases at 10:30 A.M., four judges sentenced at 1:00 P.M., and one judge heard multi hour criminal motions at 1:00 P.M. At the start of the week, all six judges were booked at 1:00 P.M.

Friday, October 15, 2021

Courtroom	Time & Type of Hearing	Length
Courtroom 1	9:00am: Criminal Docket	8 Cases
	10:30am: Civil Docket	12 Cases
	12:00pm: Sentencing	4 Criminal Defendants
Courtroom 2	9:00 am: Criminal Docket	8 Cases
	10:30am: Civil Docket	14 Cases
	1:00pm: Sentencing	6 Criminal Defendants
Courtroom 3	9:00am: Criminal Docket	9 Cases
	10:30am: Civil Docket	10 Cases
	1:00pm: Civil Hearing	Sexually Violent Predator Review Hearing (ultimately was removed from the docket)
Courtroom 4	9:00am: Criminal Docket	9 Cases
	10:30am: Civil Docket	11 Cases
	1:00pm: Sentencing	5 Criminal Defendants
Courtroom 5	9:00am: Criminal Docket	7 Cases
	1:00pm: Criminal Motions (Murder, Jury Trial)	Multi-hour hearing: <ul style="list-style-type: none"> • Motion to Suppress • Motion to Exclude Certain Evidence
Courtroom 6	9:00am: Criminal Docket	9 Cases
	10:30am: Civil Docket	11 Cases

d. Complexity of Cases

In addition to our high numbers of both filing and backlog, our Court is experiencing an increase in the length and complexity of the trials being scheduled. The following chart outlines some of the longest jury trials that our Court is facing within the next 18 months:

TYPE OF TRIAL	LENGTH	DATES
Civil Jury (General Tort)	45 Days	2/14/22 through 5/4/22
Civil Jury (General Tort)	35 days	1/17/23 through 3/16/23
Criminal Jury (Murder)	22 days	5/16/22 through 6/22/21
Criminal Jury (Murder)	19 days	9/6/22 through 10/6/22
Civil Jury (Medical Malpractice)	9 days	3/7/22 through 3/23/22
Civil Jury (Medical Malpractice)	9 days	3/7/22 through 3/23/22
Civil Jury (Medical Malpractice)	9 days	2/14/22 through 3/7/22
Criminal Jury (Murder)	8 days	2/7/22 through 2/22/22
Civil Jury (Medical Malpractice)	7 days	1/10/22 through 1/19/22
Civil Jury (General Tort)	7 days	2/7/22 through 2/16/22
Civil Jury (Will Construction)	7 days	5/16/22 through 5/25/22
Criminal Jury (Murder)* ³	6 days	11/1/21 through 11/10/21
Criminal Jury (Conspiracy to Murder)	6 days	5/16/22 through 5/24/22
Criminal Jury (Rape)	6 days	1/3/22 through 1/12/22
Civil Jury (Medical Malpractice)	6 days	11/8/21 through 11/17/21
Criminal Jury (Murder)	6 days	3/21/22 through 3/29/22
Criminal Jury (Murder)*	6 days	4/11/22 through 4/20/22
Civil Jury (Medical Malpractice)	5 days	12/6/21 through 12/14/21
Criminal Jury (Murder)*	5 days	2/14/22 through 2/22/22
Civil Jury (Condemnation)	5 days	4/18/22 through 4/26/22

³ * indicates a charge of Criminal Gang Participation

e. Population and Diversity

Prince William County is one of the fastest growing jurisdictions in the Commonwealth of Virginia. Our Court has been unable to keep up with the ever-changing dynamics and growing population in our jurisdiction.

The Thirty-First Judicial Circuit Court added a sixth judge in 2015. At that time, the population of Prince William County was approximately 450,978. Prince William County's population in 2021 is now approximately 478,535. We have grown 17.82% since 2010.⁴ The 31st Judicial Circuit is also comprised of the Cities of Manassas and Manassas Park. Adding these populations, the Thirty-First Judicial Circuit now serves 542,000 people.

Prince William County is also the most diverse county in the Commonwealth of Virginia. The U.S. Census has given our county a diversity index of 73.7%. The Diversity Index is used to “measure the probability that two people chosen at random will be from a different race and ethnicity group.”⁵ Our population increase has led to an increase in our minority populations. According to U.S. Census data, the Hispanic population has increased by approximately 5% since 2015.

Based on 2019 American Community Survey data, “66.25% of Prince William County, Virginia residents speak only English, while 33.75% speak other languages. The non-English language spoken by the largest group is Spanish, which is spoken by 19.57% of the population.”⁶

In 2021, the Hispanic population in Prince William County is approximately 25%. This diversity brings with it the need for interpreters in many of our cases. Interpreters are provided not only for defendants, but witnesses, victims, and plaintiffs as well. When an interpreter is required, court proceedings must be slowed considerably to ensure that all those participating in the case can understand and participate in the often challenging and confusing legal process. Logistically, when an interpreter is required on a case, this simply just increases the length of time it takes for that case to get resolved. If we look at the months of November and December 2021, there are currently 12 criminal defendants with hearings on the docket that will require an interpreter. It is critical that a criminal defendant understands every stage of the process, so this is not an area where we can simply restructure and implement different procedures—we cannot avoid these delays. Therefore, due to the increasingly diverse population in our jurisdiction and the heightened need for interpreters, an additional judge would help relieve this additional burden on our Court's already limited resources.

⁴ See *Prince William County, Virginia Population 2021*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/us-counties/va/prince-william-county-population> (last visited October 14, 2021).

⁵ See, *Racial and Ethnic Diversity in the United States*, U.S. CENSUS BUREAU <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (last visited October 14, 2021).

⁶ See *Prince William County, Virginia Population 2021*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/us-counties/va/prince-william-county-population> (last visited October 14, 2021).

IV. Summary

The Prince William County Circuit Court is requesting the authorization of an additional judge to assist in administering justice to all those having matters before our Court.

The basis for this request is:

1. The case backlog that has existed since 2015 and continues to grow;
2. The overbooked dockets;
3. The increase of jury trials and complex motions;
4. The growing length and complexity of cases;
5. The rapid increase of Prince William County's population, especially our growing Hispanic population and other populations requiring an interpreter.

Our Court would effectively utilize an additional judge to assist with our dockets to address the individual needs of each litigant in Prince William County and the cities of Manassas and Manassas Park.

To assist in articulating the need for an additional judgeship, we have attached 4 letters from key stakeholders in our Circuit. Please see the attached:

Exhibit 10: Letter from Jacqueline Smith – Clerk of the Circuit Court

Exhibit 11: Letter from Tracey Lennox – Chief Public Defender

Exhibit 12: Letter from Maryse Allen and Casandra Chin – PWCBA family law committee co-chairs

Exhibit 13: Letter from Amy Ashworth – Commonwealth Attorney for PWC

Exhibit 14: Letter from Donna Dougherty – President of the Prince William County Bar Association

Exhibit 1

Circuit Courts of Virginia

Felony Pending Cases as of October 01, 2021

5) Concluded cases by Age Grouping	<u>0-120</u>	<u>121-180</u>	<u>181-365</u>	<u>365+</u>	<u>Totals</u>
Chesterfield	126 6%	189 9%	982 44%	919 41%	2,21
Henrico	221 9%	277 12%	861 37%	996 42%	2,35
Norfolk	151 6%	190 8%	837 35%	1,182 50%	2,36
Prince William	49 4%	72 6%	332 27%	760 63%	1,21
Richmond	65 3%	125 6%	648 30%	1,346 62%	2,18
Virginia Beach	163 6%	186 7%	876 31%	1,563 56%	2,78
Total	775 6%	1,039 8%	4,536 35%	6,766 52%	13,110

6) Median Age to Disposition

	<u>Days (Median)</u>	<u>Months (Median)</u>
Chesterfield	330	11
Henrico	317	11
Norfolk	366	12
Prince William	504	17
Richmond	441	15
Virginia Beach	417	14

Exhibit 2

EXECUTIVE SECRETARY
KARL R. HADE
**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
EDWARD M. MACON
COURT IMPROVEMENT PROGRAM
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RENÉE FLEMING MILLS, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
ROBERT L. SMITH, DIRECTOR
JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR
JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR
LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR
LEGISLATIVE & PUBLIC RELATIONS
KRISTI S. WRIGHT, DIRECTOR
MAGISTRATE SERVICES
MASON L. BYRD, DIRECTOR

November 15, 2017

The Members of the Virginia General Assembly

Dear Senators and Delegates:

Item 40, Paragraph K, of the Appropriation Act, Chapter 780, 2016 Virginia Acts of Assembly, provided funding for the Supreme Court of Virginia to contract with the National Center for State Courts (NCSC) to reevaluate the November 2013 results of the weighted caseload system study that measured and reported on judicial caseloads throughout the Commonwealth on the circuit, general district, and juvenile and domestic relations district court levels.

In response to the legislation, the Supreme Court of Virginia's Office of the Executive Secretary contracted with the NCSC. In addition to the factors considered during the previous study, the NCSC also considered factors identified by the Supreme Court such as the use of interpreters, law clerks, the effect of pro se litigants on judicial time, and the effect of population growth or decline.

On behalf of the Court, I am submitting the Virginia Judicial Workload Assessment Report prepared by the National Center for State Courts, which details the judicial need in each court in each county and city.

If you have any questions regarding this report, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Karl R. Hade".

Karl R. Hade

Virginia Judicial Workload Assessment

Final Report

November 2017

Brian J. Ostrom, Ph.D.
Matthew Kleiman, Ph.D.
Cynthia G. Lee, J.D.
Shannon Roth

**Research Division
National Center for State Courts**



Acknowledgments

The authors wish to acknowledge the invaluable contributions of the judges of Virginia to this workload assessment. An undertaking of this nature would not have been possible without the assistance of the dedicated members of the Virginia circuit, general district, and juvenile and domestic relations district courts who gave their valuable time to this project.

Over the course of this study we were fortunate to meet regularly with a distinguished advisory committee. The Judicial Needs Assessment Committee, comprised of both judges and clerks from across the state, provided input and perspective in all phases of the project.

We extend a special note of thanks to staff members of the Office of the Executive Secretary. In particular, we thank Kristi Wright, Edward Macon, and Chris Wade for their support during the National Center for State Courts' study of judicial workload in the Commonwealth of Virginia. We very much appreciate their knowledge of the Virginia court system and their unfailing good spirits throughout the life of this project.

We are also extremely grateful to our NCSC colleagues Neil LaFountain, Kathryn Holt and Lydia Hamblin for their assistance and thoughtful insights. Finally, we thank Diana McSpadden for developing the Web-based tools used in this study.

Judicial Needs Assessment Committee

Circuit Court

The Honorable R. Edwin Burnette, Jr.
Twenty-fourth Judicial Circuit
Lynchburg Circuit Court

The Honorable Michele J. Atkins
Fourth Judicial Circuit
Norfolk Circuit Court

The Honorable Daniel S. Fiore, II
Seventeenth Judicial Circuit
Arlington Circuit Court

The Honorable Sage B. Johnson
Twenty-eighth Judicial Circuit
Bristol Circuit Court

The Honorable Wilford Taylor, Jr. (Chair)
Eighth Judicial Circuit
Hampton Circuit Court

The Honorable Heidi Barshinger, Clerk
Fourteenth Judicial Circuit
Henrico County

General District Court

The Honorable Randal J. Duncan
Twenty-seventh Judicial District
Montgomery General District Court

The Honorable Tonya Henderson-Stith
Eighth Judicial District
Hampton General District Court

The Honorable Becky J. Moore
Eighteenth Judicial District
Alexandria General District Court

The Honorable James J. O'Connell, III
Twelfth Judicial District
Chesterfield General District Court

The Honorable J. William Watson, Jr.
Tenth Judicial District
Halifax General District Court

Ms. Connie S. Comer, Clerk
Twenty-ninth Judicial District
Tazewell General District Court

Juvenile and Domestic Relations District Court

The Honorable H. Lee Chitwood
Twenty-seventh Judicial District
Pulaski Juvenile and Domestic Relations District Court

The Honorable Glenn L. Clayton, II
Nineteenth Judicial District
Fairfax County Juvenile and Domestic Relations District Court

The Honorable Frank W. Somerville
Sixteenth Judicial District
Culpeper Juvenile and Domestic Relations District Court

The Honorable Leisa K. Ciaffone
Twenty-third Judicial District
Roanoke County Juvenile and Domestic Relations District Court

The Honorable Deborah M. Paxson
Second Judicial District
Virginia Beach Juvenile and Domestic Relations District Court

Ms. Ann B. Lloyd, Clerk
Twenty-sixth Judicial District
Frederick/Winchester Juvenile & Domestic Relations District Court

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EXECUTIVE SUMMARY

At the request of the Virginia General Assembly, the Supreme Court of Virginia contracted with the National Center for State Courts (NCSC) to perform a comprehensive update, extension, and improvement of the existing Virginia judicial weighted caseload system in line with state-of-the-art practices. A clear and objective assessment of court workload is essential to establish the number of judges required to resolve in a timely manner all cases coming before the court. The primary goals of the study were to:

- Develop a valid measure of judicial workload in all circuit and district courts, accounting for variations in complexity among different case types, as well as differences in the non- case-related responsibilities of judges in single-jurisdiction and multi-jurisdiction circuits and districts;
- Evaluate the current allocation of judicial resources;
- Establish a transparent and empirically driven formula for the Supreme Court and the General Assembly to use in determining the appropriate level of judicial resources in each circuit and district.

Project Design

To provide oversight and guidance on matters of policy throughout the project, Chief Justice Donald W. Lemons appointed an 18-member Judicial Needs Assessment Committee (JNAC) consisting of 15 judges and three court clerks representing circuit, general district, and juvenile and domestic relations district courts across the Commonwealth. The workload assessment was conducted in two phases:

1. A time study in which all judges and retired/substitute judges - who were being used to hear cases beyond the capacity of the

court's regularly sitting judges - recorded all case- related and non-case-related work over a six-week period. The time study also measured differences in the amount of judge time spent on cases with and without an interpreter as well as whether cases involved self-represented litigants. The purpose was to provide an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.

2. A quality adjustment process that ensured that the final weighted caseload models incorporated sufficient time for efficient and effective case processing. The quality adjustment process included a statewide sufficiency of time survey asking judges about the amount of time currently available to perform various case-related and non-case- related tasks; site visits with 27 circuit, general district and juvenile and domestic relations district courts; and a structured review of the case weights by panels of judges from across Virginia.

Project Results

Applying the final weighted caseload model to current case filings shows that the current judicial workload exceeds the capacity of the existing complement of judges. There is currently a need for a total of 170 circuit court judges, 130 general district court judges, and 135 juvenile and domestic relations district court judges in the Commonwealth of Virginia. Additional judges are needed to enable Virginia's trial court judiciary to manage and resolve court business effectively and without delay while also delivering quality service to the public.

Recommendations

The weighted caseload model adopted by the Judicial Needs Assessment Committee provides an empirically grounded basis for analyzing judicial workload in each of Virginia's trial courts. The following recommendations will help to ensure the integrity and utility of the judicial workload model over time.

Recommendation 1

The revised weighted caseload model clearly illustrates the changing character of judicial workload in Virginia. When applied, the new case weights adopted by the Judicial Needs Assessment Committee provide an accurate means to determine the number of judges needed in each circuit and district court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Virginia General Assembly should consider authorizing new judgeships in the circuit courts, general district courts, and juvenile and domestic relations district courts where the weighted caseload model shows a need for additional judges.

Recommendation 2

The calculations of judge need in this report are based upon a three-year average of case filing data. NCSC recommends that circuit court, general district court, and juvenile and domestic relations district court judge need be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on judicial workload and judge need. OES should continue to make improvements in data quality and consistency in automated case management systems to better track and record use of interpreters and alternative attorney configurations in all cases.

Recommendation 3

The availability of support personnel, especially law clerks/staff attorneys and court clerks, has a profound impact on judges' ability to perform their work efficiently and effectively. Judges across the state stressed the importance of strong support staff and dedicated court clerks, and stated that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges time and increase the court's efficiency. NCSC recommends that workload assessments be conducted or updated for law clerks/staff attorneys, judicial assistants, circuit court deputy clerks, and district clerks of court and deputy clerks. The OES currently maintains and routinely updates a weighted caseload staffing model and workload assessment for district court clerks, while staffing and development of staffing models for law clerks/staff attorneys, judicial assistants and circuit court deputy clerks are the responsibility of localities and/or the Virginia Compensation Board. The development of or an update to existing staffing models for these groups would provide the information needed to evaluate the adequacy of staffing levels to ensure the quality processing of cases.

Recommendation 4

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that a weighted caseload model remains an accurate representation of judicial workload. A systematic review of the model should be conducted every five years.

I. INTRODUCTION

In 2016, the General Assembly requested the Supreme Court to update the 2013 weighted caseload study “that measured and compared judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels.” The 2016 Appropriation Act language goes on to say: “In addition to the factors considered during the earlier study, the National Center shall also consider factors identified by the Supreme Court such as the use of interpreters, law clerks, retired or substitute judges, the effect of pro se litigants on judicial time, and the effect of population growth or decline, if any.” In fulfillment of this mandate, the Supreme Court of Virginia contracted with the National Center for State Courts (hereafter NCSC) to update the weighted caseload system and to further consider factors identified by the Supreme Court that can be used to assess the need and manage the distribution of judicial resources.

This report describes the methodology and results of the Virginia Judicial Workload Assessment, conducted between July 2016 and October 2017. The project’s primary goals were to:

- Develop a valid measure of judicial workload in all circuit and district courts in the Commonwealth of Virginia, considering variations in complexity among different case types, as well as differences in the non-case-related responsibilities of judges in single- jurisdiction and multi-jurisdiction circuits and districts;
- Evaluate the current allocation of judicial resources;
- Establish a transparent and empirically driven formula for the Supreme Court and the General Assembly to use in determining the appropriate level of judicial resources in each circuit and district; and
- Examine the differential impact of cases involving pro se litigants and interpreters on judicial workload, and document population growth or decline.

The need for financial and resource accountability in government is a strong stimulus to develop a systematic method to assess the need for judges. The state-of-the-art technique for assessing judicial need is a weighted caseload study because population or raw, unadjusted filings offer only minimal guidance regarding the amount of judicial work generated by those case filings. The weighted caseload method explicitly incorporates the differences in judicial workload associated with different types of cases, producing a more accurate and nuanced profile of the need for judges in each court.

The weighted caseload formula was developed using a highly participatory multi-method data collection strategy. Key features of this strategy include:

- A statewide time study providing a detailed empirical profile of the amount of time Virginia judges currently spend handling cases of various types—including both on-bench and off-bench work—as well as other essential judicial functions such as travel and administrative work;

- Qualitative input gathered from judges through a statewide on-line survey and a series of site visits scheduled for 27 courts in 9 jurisdictions;
- A quality adjustment process designed to ensure that the weighted caseload formula allows sufficient time for efficient and effective case resolution; and
- An advisory committee of judges and court clerks to offer input and advice.

The final workload formula yields a clear and objective assessment of judicial workload and the number of judges required to handle that workload on a statewide basis and in each circuit and district, allowing policymakers to make informed decisions regarding matters such as the allocation of judicial resources.

NCSC Independence and Competence. The NCSC is particularly well suited to conduct the Virginia Judicial Workload Assessment because

of its experience, expertise and knowledge of the justice system. Founded in 1971, the NCSC is an independent, nonprofit court improvement organization. All of NCSC's services — research, information services, education, consulting — are designed to help courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making. For nearly three decades, a key focus of NCSC expertise has been on the development and use of systematic methods for assessing the need for judges. The NCSC is the leader in weighted caseload studies for courts and their justice system partners, with studies conducted at every level of government, for almost every type of justice system position. In all, the NCSC has conducted more than 50 workload and staffing assessments in the last 10 years. These studies have been performed in a variety of contexts—statewide and local efforts, general and limited jurisdiction courts—and have involved judges, quasi-judicial officers, probation officers, attorneys, and administrative and clerical staff.

II. PROJECT OVERVIEW

A. The Weighted Caseload Model

The weighted caseload model of workload analysis is grounded in the understanding that different types of court cases vary in complexity, and consequently in the amount of judicial work they generate. For example, a typical felony creates a greater need for judicial resources than the average misdemeanor case. The weighted caseload model calculates judicial need based on each court's total workload. The weighted caseload model consists of three critical elements:

1. Case filings, or the number of new cases of each type opened each year;
2. Case weights, which represent the average amount of judge time required to handle cases of each type over the life of the case; and
3. The year value, or the amount of time each judicial officer has available for case-related work in one year.

Total annual workload is calculated by multiplying the annual filings for each case type by the corresponding case weight, then summing the workload across all case types. Each court's workload is then divided by the year value to determine the total number of full-time equivalent judges needed to handle the workload.

¹ The term "attorney configuration" refers to the arrangement of attorneys and non-attorneys presenting a case before the court. In a typical case with two parties, one or both sides may be self-represented or represented by an attorney. For juvenile and domestic relations district court cases, the time study focused on the number of attorneys involved in the case as well as whether any parties were self-represented. For example, in some

B. The Judicial Needs Assessment Committee

To provide input and guidance throughout the project, the NCSC requested that the Chief Justice of the Supreme Court of Virginia form the Judicial Needs Assessment Committee (JNAC or Committee). The Committee consisted of 15 judges and three court clerks representing circuit, general district, and juvenile and domestic relations district courts across the Commonwealth. The full Committee met three times over the course of the project, in addition to multiple sub-committee conference calls held to identify case types and evaluate the data collection strategy. Committee responsibilities included:

- Advising the project team on the definitions of case types and case-related and non-case-related events to be used during the time study;
- Reviewing and commenting on alternative strategies to measure and incorporate varying judicial workload due to the presence of interpreters and alternative self-represented litigant/attorney configurations¹, as well the impact of changes in population and case filing trends; and
- Reviewing and endorsing the results of the time study and the quality adjustment process.

juvenile and domestic relations court cases there was one attorney and one self-represented party, while others involved five or more attorneys. Therefore, to ease discussion, attorney configuration is the term used to encompass all the possible combinations of attorneys and self-represented litigants.

C. Research Design

The workload assessment was conducted in two phases:

1. A time study in which all judges and retired/substitute judges—who were being used to hear cases beyond the capacity of the court’s regularly sitting judges—recorded all case-related and non-case-related work over a six-week period. The time study also measured differences in the amount of judge time spent on cases with and without an interpreter as well as for different self-represented litigant/attorney configurations. The purpose was to provide an empirical description of the amount of time currently devoted to processing each case type, as well as the division of the workday between case-related and non-case-related activities.
2. A quality adjustment process that ensured that the final weighted caseload models incorporated sufficient time for efficient and effective case processing. The quality adjustment process included a statewide sufficiency of time survey asking judges about the amount of time currently available to perform various case-related and non-case-related tasks, site visits with 27 circuit, general district and juvenile and domestic relations district courts, and a structured review of the case weights by panels of judges from across Virginia.

D. Case Type Categories

During its first meeting, the JNAC defined the case type categories to be used as the basis for the weighted caseload model. The goal was to identify a manageable number of case type categories that are recognized as legally and logically distinct, associated with different amounts of judicial work, and covering the full range of case types adjudicated in Virginia’s trial courts. For purposes of this study, 16 case types were defined for circuit court, eight for general district court, and nine for juvenile and domestic relations district court. Exhibit 1 lists the case type categories; Appendix A provides a detailed definition for each category.

Exhibit 1: Case Type Categories

Circuit Court	General District Court
Capital Murder	Infraction/ Civil Violation
Non-Capital Felonies and Related Matters	Misdemeanor
Misdemeanor	Felony
Other Criminally Related Matters	Garnishment
Administrative Law	Landlord /Tenant
Contested Divorce	General Civil
Uncontested Divorce	Protective Orders
Domestic and Family - Level 1	Involuntary Civil Commitments
Domestic and Family - Level 2	
General Civil - Level 1	Juvenile & Domestic Relations District Court
General Civil - Level 2	Child Dependency
General Civil - Level 3	Child in Need of Services/Supervision
Probates/Wills and Trusts - Level 1	Custody and Visitation
Probates/Wills and Trusts - Level 2	Juvenile Miscellaneous
Protective Orders	Delinquency
Miscellaneous (Civil)	Traffic
	Adult Criminal
	Protective Orders
	Support

E. Interpreter Use and Attorney Configuration

Central to this study was the accurate measurement of the judicial work associated with court interpretation and with alternative attorney and self-represented litigant configurations.

Incorporating these features required reliable and valid counts of the number of cases (filings) involving interpreters and those not involving interpreters, as well as case counts for different attorney/pro se arrangements in each of the circuits and districts. To collect these data, judges tracked and recorded the number of hearings held, as well as the amount of time spent on hearings, with and without an interpreter and for alternative attorney/self-represented litigant configurations.

F. Non-Case-Related Events

To cover the full range of judicial work, separate definitions of non-case-related events were developed for each court type. Some essential judicial activities and responsibilities, such as court administration, travel among various courts within a circuit or district, and committee meetings, are not directly related to a particular case before the court. These activities are defined as “non-case-related” events. To simplify data collection, lunch and breaks were also included as non-case-related events. Exhibit 2 lists the non-case-related event categories; Appendix B provides specific examples of activities that fall into each category.

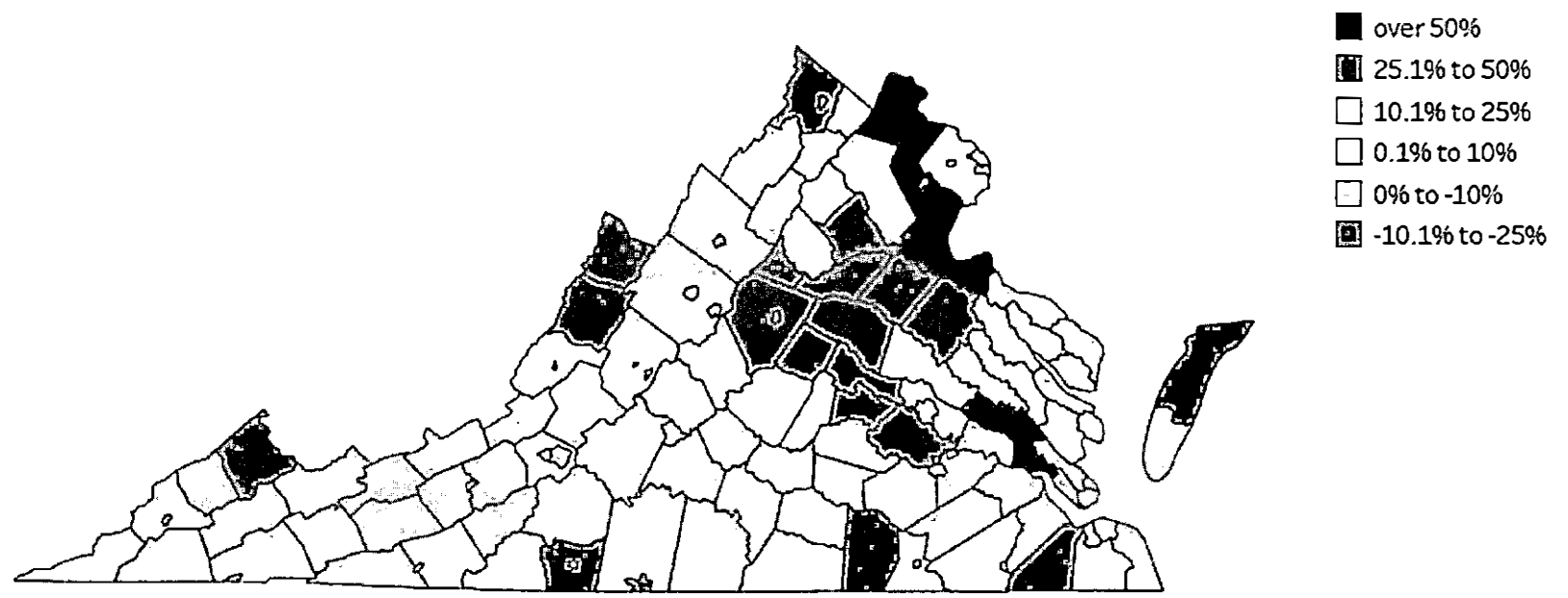
Exhibit 2: Non-Case-Related Events

Circuit Court/General District Court	Juvenile & Domestic Relations District Court
Non-Case-Related Administration	DC-40; DC-41 Vouchers
General Legal Research	Non-Case-Related Administration
Judicial Education and Training	General Legal Research
Committee Meetings, Other Meetings, and Related Work	Judicial Education and Training
Community Activities and Public Outreach	Committee Meetings, Other Meetings, and Related Work
Work-Related Travel	Community Activities and Public Outreach
Lunch and Breaks	Work-Related Travel
NCSC Time Study	Lunch and Breaks
	NCSC Time Study

G. Virginia Population Trends

Overall, the population in the Commonwealth increased 18% between 2000 and 2016. However, the rate and direction of change varied considerably by county and city, with northern and central Virginia seeing the largest increases. Exhibit 3 shows population percentage change for this time period. The largest increases occurred in Loudoun County (122%), Prince William County (60%), New Kent County (56%), and Stafford County (54%); while the largest declines were seen in Buchanan County (-17%), Accomack County (-14%), Danville City (-13%) and Martinsville City (-12%). Detailed information on population change by county and city as well as by judicial circuit is provided in Appendix C.

Exhibit 3: Percent Population Change in Virginia, 2000-2016



A question that often comes up is whether the number of cases filed in a particular court is related to the population of people living in that jurisdiction. And by extension, whether a given change in population will lead to a given change in case filings. While places with more people tend to have more case filings, the correlation between the two is not always strong. For example, during the period under study, statewide caseloads in Virginia have tended to be steady or show some declines, while overall population has risen statewide. To investigate the issue more systematically, NCSC drew on seven years of jurisdiction-level caseload data by case type for the circuit court, general district court, and juvenile and domestic relations district courts to examine the relationship between caseload trends and population trends.

The analysis employs a statistical modeling analysis called ordinary least squares regression to examine the relationship between variation in case filing trends and variation in population trends. The caseload data come from the years 2010 to 2016 and contemporaneous population estimates for each locality were obtained from the Census Bureau’s “Annual Estimates of the Resident Population for Counties”. The hypothesis being tested is that the number of cases filed in a particular jurisdiction during a given year can be estimated by knowing how many cases of a similar type were filed the year before and the annual change in population. Exhibit 4 shows the results of this analysis on the extent to which change in jurisdiction-level caseload (the dependent variable) appears to be caused (or explained) by the previous year’s caseload and the annual difference in population (the independent variables).²

Exhibit 4: Ordinary Least Squares Model of Caseload by Type and Court

Variables	Circuit Court			General District Court			Juvenile and Domestic Relations District Court	
	Civil	Criminal	Domestic/ Family	Civil	Criminal	Traffic	Delinquency/ Criminal	Civil
Previous year's filings	0.91	0.97	1	0.96	0.96	0.98	0.96	0.98
Population change (in thousands)	-6.51	13.16	1.55	57.39	35.89	81.97	4.1	43.41

Coefficients in **bold** are significantly different from zero at a $p < .05$ level.

² Population (divided by 1,000) is differenced, because the relationship we are trying to detect is whether positive or negative changes in population have an impact on yearly caseload, rather than the contemporaneous or previous level of population does.

Controlling for population, the changes in caseload from one year to the next (variable named Previous year's filings) are almost all less than one which suggests the trend is downward. For example, the coefficient of .96 for general district court civil cases means that the estimate for the current year's total of civil filing is 96% of the previous year's total.³ Only the trend in domestic/family cases in the circuit court is non-negative, and the trend for those cases is flat. All of the caseload trend coefficients are also statistically significant.⁴

Turning to the differenced population estimates, coefficients show the estimated increase in case filings of a particular type when population increases by 1,000. For example, the coefficient of 57.39 for general district court civil means that an increase in population of 1,000 people will lead to an increase of about 57 new civil case filings. The findings are only statistically significant for the civil and criminal caseloads in general district court and civil cases in juvenile and domestic relations district court. Moreover, while the estimated effects are positive, they are not large. There are two main findings that come out of this analysis. First, the number of case filings by casetype in one year are closely related to the number of such cases filed in the previous year. Second, changes in population are only weakly associated with changes in the number of case filings.

H. Availability of Law Clerks

NCSC staff conducted a survey of the chief judges to determine the availability of law clerks in each of the circuits and to summarize their primary responsibilities. Information on the number of law clerks currently working in the circuit courts is not readily available at a statewide level because law clerks are locally funded, hired and supported. Data from the survey show a total of 72 FTE locality-funded law clerks working in select locations in 22 of 31 circuits. One key finding is that there is substantial variation in the level of these resources across circuits. The locations that employ law clerks, the number, and basic information on the types of cases they work on is provided in Appendix D.

³ Although all of the autocorrelation coefficients are positively signed, the fact that every coefficient except for domestic/family cases in the circuits is below 1 indicates that the baseline trend for these series is decline. Controlling for population, the expected caseload in each series is less than the caseload in the previous year.

⁴ The coefficients are all statistically significant, meaning they are likely greater than 0, but this merely confirms that for every caseload series, the level in one year is very close to the level in the previous year. In other words, every series is very persistent.

III. TIME STUDY

To establish a baseline measure of current practice, project staff conducted a statewide time study in which trial court judges recorded the amount of time they spent on cases of each case type category as well as on non-case-related work, and whether an interpreter or attorney(s) was involved in each hearing. Separately, OES provided counts of filings by case type category and jurisdiction. NCSC staff used the time study results and caseload data to calculate the average number of minutes currently spent resolving cases within each case type category (preliminary case weights). In addition, time study data informed the amount of time judges have available to spend on case-related and non-case-related matters during the work year.

A. Time Study

From March 20, 2017, through April 30, 2017, all circuit and district court judges in the Commonwealth of Virginia were asked to track all their working time by case type category, including both on and off bench case-related work, or by non-case-related work, using a Web-based form. In addition, the General Assembly requested that the time study look explicitly at the impact of two key factors on judicial workload: (a) self-represented litigants and (b) use of an interpreter. Toward this end, for circuit court and general district court, the time study was conducted in two, three-week phases.

- For the first three weeks of the time study, judges tracked time spent on cases and distinguished whether (a) no party or (b) one or more parties was represented by an attorney.
- During the second three-week period, judges tracked the time spent on cases and distinguished whether (a) no interpreter was used or (b) an interpreter was present.

During both phases of the time study, judges also tracked all out-of-court work, including off-bench work related to cases and non-case-related work.

Juvenile and domestic relations district court judges tracked and recorded time hearing-by-hearing throughout the course of the day for the entire six-week period. Data provided include the duration of each hearing, the case type, the total number of attorneys present at the hearing, and whether an interpreter was involved. Judges also tracked all out-of-court work, including off-bench work related to cases and non-case-related work.

To maximize data quality, all time study participants were asked to view a training video designed specifically for their court level explaining how to categorize and record their time. In addition to the training videos, judges were provided with Web-based reference materials, and NCSC staff were available to answer questions by telephone and e-mail. A total of 380 full-time judges, or 96 percent of all Virginia trial court judges, participated in the time study. This high participation rate ensured sufficient data to develop an accurate and reliable portrait of current practice.

B. Caseload Data

To translate the time study data, which measures the aggregate amount of time judges spend processing all cases of each type, into the preliminary case weights, which measure the average amount of judicial time spent on a single case of each type, it was necessary to determine how many individual cases of each type are filed on an annual basis. The Office of the Executive Secretary (OES) provided three years of filing data from May 2014 through April 2017, by case type category and jurisdiction.⁵

To address year-to-year fluctuations in filings data, the caseload data for all three years were used to calculate the average of an annual count of filings within each case type category. Using a three-year annual average rather than the caseload data for one particular year serves to reduce the influence of short-term fluctuations in particular filing categories, while ensuring long-term trends in the number of filings are incorporated into the model. Exhibit 5 displays the statewide filings by case type and year, along with the annual averages.

⁵ All district courts and 118 of 120 circuit courts use the statewide case management systems developed and maintained by OES. The two circuit courts that do not use the statewide circuit case management system, Alexandria and Fairfax, provided their courts' caseload data to OES separately so that it could be included in the data provided to the NCSC.

Exhibit 5: Statewide Case Filings, May 2014 – April 2017*

Circuit Court Case Type	2014	2015	2016	3-year average**
Capital Murder	51	79	64	62
Non-Capital Felonies and Related Matters	123,994	123,538	129,509	125,681
Misdemeanor	41,565	42,800	43,427	42,593
Other Criminally Related Matters	15,229	14,864	14,717	14,936
Administrative Law	475	499	622	530
Contested Divorce	10,081	10,505	10,217	10,269
Uncontested Divorce	25,247	25,118	24,507	24,958
Domestic and Family - Level 1	6,458	7,244	7,552	7,089
Domestic and Family - Level 2	4,794	4,588	4,693	4,696
General Civil - Level 1	1,299	1,218	1,158	1,217
General Civil - Level 2	16,926	16,466	16,693	16,697
General Civil - Level 3	8,825	9,729	9,768	9,443
Probates/Wills and Trusts - Level 1	507	500	506	506
Probates/Wills and Trusts - Level 2	2,710	2,811	2,971	2,835
Protective Orders	1,072	1,368	1,450	1,294
Miscellaneous (Civil)	122,773	155,727	148,764	142,427
Total Circuit Court	382,006	417,054	416,618	405,233

General District Court Case Type	2014	2015	2016	3-year average
Infraction***/ Civil Violation	860,172	759,422	735,179	784,927
Misdemeanor	573,737	536,061	529,437	546,408
Felony	98,658	97,457	101,924	99,344
Garnishment	178,764	184,439	175,370	179,523
Landlord /Tenant	173,395	167,724	166,979	169,366
General Civil	312,002	322,493	322,275	318,921
Protective Orders	12,704	14,218	14,485	13,803
Involuntary Civil Commitments	1,852	1,948	2,110	1,969
Total General District Court	2,211,284	2,083,762	2,047,759	2,114,261

Juvenile and Domestic Relations District Court Case Type	2014	2015	2016	3-year average
Child Dependency	22,799	21,914	22,339	22,348
Child in Need of Services/Supervision	4,257	4,207	4,275	4,247
Custody and Visitation	135,496	143,609	139,114	139,405
Juvenile Miscellaneous	7,149	6,663	5,979	6,593
Delinquency	45,819	42,232	40,740	42,929
Traffic	16,609	14,845	14,117	15,189
Adult Criminal	103,678	106,074	105,016	104,924
Protective Orders	17,372	18,497	19,189	18,353
Support	94,887	87,698	79,987	87,525
Total J&DR District Court	448,066	445,739	430,756	441,513

* The filing data for 2014 covers the period May 1, 2014 to April 30, 2015; the filing data for 2015 covers the period May 1, 2015 to April 30, 2016; and the filing data for 2016 covers the period May 1, 2016 to April 30, 2017.

**For each individual jurisdiction by court type, the filings for each of the three years were added and used to calculate a 3-year average by case type, rounded to the nearest whole number. The individual jurisdiction 3-year averages were then summed to come up with an overall 3-year average by case type for the circuit court, general district court, and juvenile and domestic relations court.

*** Filing numbers do not include prepaid traffic infractions

C. Preliminary Case Weights

Following the six-week data collection period, the time study and caseload data were used together to calculate preliminary case weights. A preliminary case weight represents the average amount of time a judge currently spends to process each case of a particular type, from filing through all post-disposition activity. The use of separate case weights for different case types accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve effectively. For example, the case weight for felonies should be larger than the case weight for misdemeanors because the typical felony case is more serious and complex because of the number of possible witnesses, hearings, and motions, and therefore requires more judicial time than the typical misdemeanor.

The NCSC recommended, and the Committee adopted the recommendation, that the workload assessment should result in a single set of case weights for each type of court to estimate judicial need. That is, there is a separate set of statewide case weights for the circuit courts, the general district courts, and the juvenile and domestic relations district courts. The decision to adopt a single set of case weights for each type of court is consistent with the approach used in most other states employing weighted caseload. As discussed below, the model incorporates case weight adjustments based on above average use of interpreters or presence of more complex attorney configurations. The use of this modeling strategy will help ensure resource equity across the Commonwealth.

To calculate the preliminary case weight for each case type category, all judge time associated with the case type during the time study was summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding annual filings. For example, the time study data reveal that Virginia circuit court judges currently spend a total of nearly 5.5 million minutes per year processing Non-Capital Felony cases.⁶ Dividing the total time by the annual average circuit court Non-Capital Felony filings (125,681) yields a preliminary case weight of 44 minutes. This indicates that, on average, circuit court judges in Virginia devote 44 minutes of time to each Non-Capital Felony case throughout the life of the case. Exhibit 6 shows the calculation of the preliminary case weights for all case type categories. The Committee reviewed and adopted the preliminary case weights recommended by the NCSC as an accurate representation of the time Virginia's judges currently devote to adjudicating cases.

⁶ See Appendix A for the definition of what is included in this case type category.

Exhibit 6: Preliminary Case Weights

Circuit Court Case Type	Time Study (minutes)	÷	Filings (average)	=	Case Weight (minutes)
Capital Murder	51,832	÷	62	=	836
Non-Capital Felonies and Related Matters	5,529,964	÷	125,681	=	44
Misdemeanor	425,930	÷	42,593	=	10
Other Criminally Related Matters	388,336	÷	14,936	=	26
Administrative Law	20,140	÷	530	=	38
Contested Divorce	975,555	÷	10,269	=	95
Uncontested Divorce	299,496	÷	24,958	=	12
Domestic and Family - Level 1	730,167	÷	7,089	=	103
Domestic and Family - Level 2	300,544	÷	4,696	=	64
General Civil - Level 1	634,057	÷	1,217	=	521
General Civil - Level 2	1,068,608	÷	16,697	=	64
General Civil - Level 3	481,593	÷	9,443	=	51
Probates/Wills and Trusts - Level 1	146,234	÷	506	=	289
Probates/Wills and Trusts - Level 2	70,875	÷	2,835	=	25
Protective Orders	58,230	÷	1,294	=	45
Miscellaneous (Civil)	284,854	÷	142,427	=	2

General District Court Case Type	Time Study (minutes)	÷	Filings (average)	=	Case Weight (minutes)
Infraction/ Civil Violation	1,648,347	÷	784,927	=	2.1
Misdemeanor	2,950,603	÷	546,408	=	5.4
Felony	1,390,816	÷	99,344	=	14.0
Garnishment	179,523	÷	179,523	=	1.0
Landlord /Tenant	355,669	÷	169,366	=	2.1
General Civil	1,275,684	÷	318,921	=	4.0
Protective Orders	179,439	÷	13,803	=	13.0
Involuntary Civil Commitments	9,845	÷	1,969	=	5.0

Juvenile and Domestic Relations District Court Case Type	Time Study (minutes)	÷	Filings (average)	=	Case Weight (minutes)
Child Dependency	804,528	÷	22,348	=	36
Child in Need of Services/Supervision	288,796	÷	4,247	=	68
Custody and Visitation	2,927,505	÷	139,405	=	21
Juvenile Miscellaneous	131,860	÷	6,593	=	20
Delinquency	987,367	÷	42,929	=	23
Traffic	151,890	÷	15,189	=	10
Adult Criminal	1,468,936	÷	104,924	=	14
Protective Orders	550,590	÷	18,353	=	30
Support	1,225,350	÷	87,525	=	14

D. Day and Year Values

In any weighted caseload system, three factors contribute to the calculation of judicial need: caseload data (filings), case weights, and the judge year value. The year value is the amount of time each full-time judge has available for case-related work on an annual basis. The relationship among the filings, case weights, and year value is expressed as follows:

$$\frac{\text{Filings x Case Weights (minutes)}}{\text{Judge Year Value (minutes)}} = \text{Judge Need (FTE)}$$

Multiplying the filings by the corresponding case weights calculates the total annual judicial workload in minutes. Dividing the workload by the judge year value yields the total number of full-time equivalent (FTE) judges needed to handle the workload.

To develop the judge year value, it is necessary to determine the number of days judges have available for case-related work in each year (judge year), as well as how to divide the work day between case-related and non-case-related time (judge day). Computing a judge year is accomplished by determining how many days must be subtracted from a calendar year to account for weekends, holidays, judicial conferences, vacation days, and sick time.

After considering all these factors, at its initial meeting in November of 2016, JNAC reviewed and confirmed the use of a 216-day judge year for circuit and district court judges (consistent with the value used in 2013). The value of 216 days is reached by beginning with 365 days and subtracting weekends, legal holidays, vacation

days, sick leave days, and days devoted to judicial education and committee work. A judge year value of 216 days is consistent with the value adopted in other states.⁷

The judge day value represents the amount of time each judge has available for case-related work during each workday. The JNAC confirmed a total working day for all judges of 8.5 hours, including lunch, breaks, and non-case-related work. While the judicial workday in each type of court assumes a common baseline of 8.5 hours per day, there are differences in the breakdown between case-related and non-case related time. Non-case-related time is defined as time spent on judicial functions not directly related to case processing, yet essential to the efficiency and effectiveness of court operations such as docket management, administrative time, travel time, legal research and judicial administrative meetings. Drawing on the day value adopted in 2013 and with reference to the 2017 time study day, the JNAC elected to keep the same judge day values used in the previous study.

Exhibit 7 shows the final day and year values. Each year value represents the total number of minutes one judge has available in one year for case-related work. For example, the year value of 75,168 minutes for circuit court judges in single-jurisdiction courts indicates that each judge has 75,168 minutes, or 5.8 hours per day for 216 days per year, to devote to case-related work. Virginia's judicial year values for case-related work are similar to those being used in other states.

⁷ Two-hundred-fifteen days is the median judge year from twenty-two different judicial workload studies conducted by the NCSC. For example, Michigan and Alabama have adopted a judge year of 215 days and Tennessee and North Carolina have adopted a judge year of 217 days.

Exhibit 7: Judge Day and Year Values

		Circuit Court		General District Court		JDR District Court	
		Single Jurisdiction	Multi Jurisdiction	Single Jurisdiction	Multi Jurisdiction	Single Jurisdiction	Multi Jurisdiction
Total working hours per day		7.5	7.5	7.5	7.5	7.5	7.5
Non-case related time	-	1.7	2.0	2.0	2.3	2.0	2.3
Judge Day Value (hours)	=	5.8	5.5	5.5	5.2	5.5	5.2
Minutes per hour	x	60	60	60	60	60	60
Total Days	x	216	216	216	216	216	216
Judge Year Value (minutes)	=	75,168	71,280	71,280	67,392	71,280	67,392

E. Interpreter and Self-Represented Litigant Adjustments

It should be noted that the preliminary case weights incorporate a baseline level of time that reflects the average impact of interpreters and self-represented litigants on the amount of time spent by judges handling cases. That is, by design, the case weights reflect the average amount of time spent by judges statewide handling all types of cases and so will include the average statewide amount of time associated with interpreter cases and cases involving self-represented litigants. A question for this study is whether variation in alternative attorney configurations and in the level of interpreter activity around the state may result in the under-reporting of judicial need in areas where more time intensive attorney configurations are present or interpreter activity is high.

To accurately measure the judicial work associated with different attorney configurations and with court interpretation requires reliable and valid counts of the number of cases (filings) involving alternative attorney configurations/interpreters and those not involving alternative attorney configurations/interpreters in each of the circuits and districts. Although the statewide case management systems developed and maintained by the Office of the Executive Secretary (OES) can capture self-represented litigants and the

need for language access services in a case, data quality is somewhat inconsistent and does not allow for differentiation of the time spent on cases by type. Therefore, during the time study, judges tracked both the number and duration of hearings involving alternative attorney configuration/interpreters and those that did not.

With respect to self-represented litigants (and alternative attorney configurations), judges in circuit court held 10,185 hearings with self-represented litigants, or about 6% of all hearings held. The relatively small number of hearings involving self-represented litigants and the similar distribution across circuits led the JNAC to conclude that no additional adjustment is needed to the case weights to accommodate self-represented litigants in the circuit court.

For general district court, judges conducted 594,950 hearings with self-represented litigants, or about 54% of all hearings held. For four case types (garnishments and interrogatories, landlord/tenant, general civil and protective orders), the amount of judge time spent on cases involving self-represented litigants was essentially the same as the time spent on cases without self-represented litigants. For the other three case types (traffic infraction/civil violation, misdemeanor, and felony), the time judges spent on cases involving self-represented litigants was about one-half the time spent on cases without a self-represented litigant. However, while the

duration of time was different, the proportion of cases involving self-represented litigants was very similar across the districts. This finding means that the statewide case weights incorporate the observed variation in time associated with self-represented litigants. Given these results across the general district case types (the small number of involuntary commitment cases is insufficient to warrant their inclusion in this analysis), the JNAC determined no additional adjustment to the case weights is needed to accommodate self-represented litigants in general district court.

For the juvenile and domestic relations district courts, the time study showed there were differences in the time spent by judges handling various types of cases depending on whether 0, 1, 2, or 3 or more attorneys were involved in the case. Judicial time tended to increase with greater attorney participation and was greatest for cases with 3 or more attorneys involved. In addition, the proportion of cases meeting alternative attorney configurations varied by district. Data from the time study were used to produce adjustments to the case weights based on attorney configuration and case type and applied individually to each district if the proportion of cases meeting a particular attorney configuration exceeded the statewide average. The NCSC recommended, and the JNAC approved, that the proportion of cases receiving the upward adjustment be calculated as the positive difference between the district percentage and the statewide percentage. The statewide average for attorney configuration by casetype is shown in Exhibit 8. For example, for

custody and visitation cases statewide, 45% of cases had 0 attorneys, 30% had 1 attorney, 15% had 2 attorneys and 10% had 3 or more attorneys. Time study results show that when 2 attorneys are involved in a custody and visitation case, the case takes about 1.5 times longer; when 3 or more attorneys are involved, the case takes about 2 times as long. Therefore, if 20% of a given district's custody and visitation cases involve 2 attorneys, which is above the statewide average of 15%, then 5% of that district's custody and visitation cases (20% minus 15%) will receive an upward adjustment of 1.5 times the case weight. The share of cases above the statewide average for each casetype and attorney configuration by district is presented in Appendix E.

Turning to the impact of interpreter usage, the time study results reveal that use of interpreter services varies by court level and by jurisdiction. Exhibit 9 presents the proportion of hearings with interpreter use for all three court levels. Summary bar charts, by circuit/district, show usage by court-level and by jurisdiction. Overall, in circuit court, about 1.23 percent of the total hearings held involved an interpreter. On average, hearings with an interpreter took 1.5 times as long as hearings without an interpreter. In general district court, 2.19 percent of hearings involved an interpreter and hearings with an interpreter took 2.25 times as long as hearings without. In juvenile and domestic relations district court, 3.79 percent of hearings involved an interpreter and these hearings took 1.5 times as long as hearings without an interpreter.

Exhibit 8: Juvenile and Domestic Relations District Court, Attorney Configuration

% Hearings by Attorney Configuration	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Miscellaneous	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
0 attorney	10%	25%	45%	40%	20%	75%	30%	70%	25%	35%
1 attorney	10%	35%	30%	30%	35%	20%	40%	15%	50%	35%
2 attorney	15%	30%	15%	20%	40%	5%	30%	10%	25%	25%
3+ attorney	65%	10%	10%	10%	5%	0%	0%	5%	0%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

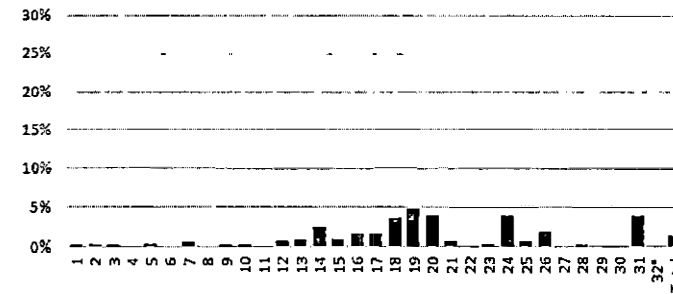
Exhibit 9: Proportion of Hearings with Interpreter Use

Circuit/ District	% Hearings with Interpreters		
	Circuit Court	General District Court	Juvenile and Domestic Relations District Court
1	0.18%	0.40%	0.63%
2	0.38%	0.51%	0.46%
3	0.24%	0.28%	0.00%
4	0.11%	0.59%	1.27%
5	0.41%	0.05%	0.00%
6	0.00%	0.54%	1.01%
7	0.53%	0.95%	0.70%
8	0.00%	0.15%	0.06%
9	0.21%	1.19%	0.85%
10	0.18%	0.55%	0.29%
11	0.00%	0.21%	1.25%
12	0.72%	2.68%	2.78%
13	0.84%	1.54%	3.78%
14	2.40%	1.30%	3.08%
15	0.87%	1.62%	3.04%
16	1.62%	2.67%	1.85%
17	1.54%	4.41%	18.70%
18	3.60%	9.24%	25.27%
19	4.73%	7.19%	21.31%
20	3.86%	9.16%	13.48%
21	0.53%	1.09%	0.53%
22	0.00%	0.36%	0.20%
23	0.41%	0.65%	1.72%
24	3.98%	0.73%	0.94%
25	0.45%	0.43%	0.00%
26	1.88%	1.99%	4.23%
27	0.00%	0.54%	0.55%
28	0.27%	0.97%	0.06%
29	0.00%	0.04%	0.00%
30	0.00%	0.03%	0.00%
31	3.90%	3.65%	10.14%
32*	1.22%	1.22%	4.71%
Total	1.23%	2.19%	3.79%

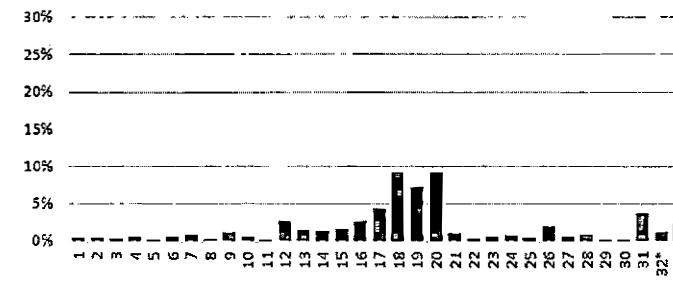
Percentages in bold are above the statewide average

*District 32 is 2A

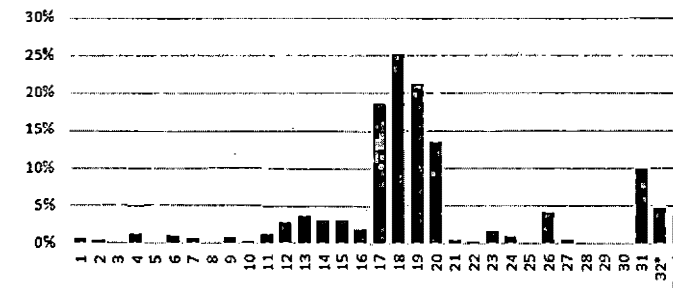
Proportion of Hearings with Interpreter by Circuit Court



Proportion of Hearings with Interpreter by General District Court



Proportion of Hearings with Interpreter by Juvenile and Domestic Relations District Court



Circuit court has the lowest frequency of hearings involving an interpreter, and juvenile and domestic relations district court has the highest. Additionally, select jurisdictions have a higher proportion of hearings with interpreter services. For example, roughly 20 to 25 percent of hearings in the juvenile and domestic relations district courts in the 17th (Arlington), 18th (Alexandria), and 19th (Fairfax) judicial districts involve an interpreter, as compared to about one percent of hearings in the juvenile and domestic relations district courts in the 2nd (Virginia Beach) and 4th (Norfolk) judicial districts.

Like the method used for alternative attorney configurations, the NCSC recommended, and the JNAC approved, that the interpreter multiplier be applied in situations where the proportion of interpreter cases exceeds the statewide average (i.e., the circuits and districts in Exhibit 9 where the percent hearings with interpreter is in bold). The multiplier is applied to the share of judicial workload involving an interpreter in those circumstances where the measured proportion of hearings involving an interpreter is greater than the statewide average. Exhibits 10 - 12 show the interpreter and attorney configuration multipliers by court level and case type.

Exhibit 10: Multipliers for Above Average Interpreter Usage and the Presence of Self-Represented Litigants, Circuit Court

	Case Weight	Multiplier	
		Interpreter	Self-represented
Capital Murder	836	1	1
Non-Capital Felonies and Related Matters	44	1.5	1
Misdemeanor	10	1.5	1
Other Criminally Related Matters	26	1	1
Administrative Law	38	1	1
Contested Divorce	95	1.5	1
Uncontested Divorce	12	1.5	1
Domestic and Family - Level 1	103	1.5	1
Domestic and Family - Level 2	64	1.5	1
General Civil - Level 1	521	1.5	1
General Civil - Level 2	64	1.5	1
General Civil - Level 3	51	1.5	1
Probates/Wills and Trusts - Level 1	289	1	1
Probates/Wills and Trusts - Level 2	25	1	1
Protective Orders	45	1	1
Miscellaneous (Civil)	2	1	1

Exhibit 11: Multipliers for Above Average Interpreter Usage and the Presence of Self-Represented Litigants, General District Court

	Case Weight	Multiplier	
		Interpreter	Self-represented
Infraction/ Civil Violation	2.1	2.25	1
Misdemeanor	5.4	2.25	1
Felony	14.0	2.25	1
Garnishment	1.0	2.25	1
Landlord /Tenant	2.1	2.25	1
General Civil	4.0	2.25	1
Protective Orders	13.0	2.25	1
Involuntary Civil Commitments	5.0	2.25	1

Exhibit 12: Multipliers for Above Average Interpreter Usage and the Presence of More Complex Attorney Configurations, Juvenile and Domestic Relations District Court

	Case Weight	Multiplier				
		Interpreter	0 atty	1 atty	2 atty	3+ atty
Child Dependency	36	1.5	0.8	1	1	1.1
Child in Need of Services/Supervision	68	1.5	0.8	1	1	1.5
Custody and Visitation	21	1.5	0.8	1	1.5	2
Juvenile Miscellaneous	20	1.5	1	1	1	1
Delinquency	23	1.5	0.8	1	1	1.5
Traffic	10	1.5	1	1	1	1
Adult Criminal	14	1.5	0.8	1	1	2
Protective Orders	30	1.5	0.8	1	1.5	2
Support	14	1.5	1	1	1	1

F. Chief Judge Adjustment

In each judicial circuit and district, one judge serves as chief judge of each level of court to provide administrative supervision over that particular level of court within the judicial circuit and district. Because of these responsibilities, chief judges spend a greater proportion of each day on non-case-related work than do typical trial court judges. Therefore,

when the need for circuit and district court judges is calculated solely based on the judge year values, the model does not incorporate time for chief judges to perform their unique administrative duties. Drawing on the time study data submitted by chief judges, JNAC chose to include a chief judge adjustment of .1 FTE for each circuit and district. This is the same value used in the 2013 study and is common in statewide judicial workload studies.

IV. QUALITY ADJUSTMENTS

The preliminary case weights generated during the time study measure the amount of time judges currently spend handling various types of cases, but do not necessarily indicate whether this is the amount of time judges should spend. To examine the extent to which current resource constraints impact judicial case processing practices, project staff made site visits to conduct interviews with judges in a variety of circuit and district courts, and administered a Web-based Sufficiency of Time Survey to all judges statewide. Informed by the survey and interview results, as well as their own experience, three expert panels of experienced judges reviewed the preliminary case weights to ensure they provide sufficient time for efficient and effective case processing.

A. Site Visits

To gain an in-depth understanding of the issues judges face in the effective handling of their cases, NCSC staff scheduled visits to circuit, general district, and juvenile and domestic relations district courts in 9 judicial circuits and districts covering 27 jurisdictions. Participating sites included both urban and rural courts from all geographic regions of the state.⁸ During the site visits, judges and court staff participated in structured group and individual interviews. The interviews allowed project staff to document procedures and practices believed to increase efficiency and quality, as well as resource constraints that might inhibit effectiveness.

Across all three court types, judges stress the importance of fully explaining orders and rulings and addressing the needs of self-represented litigants. Judges assert that taking

the time to ensure that the parties fully understand the conditions and requirements of probation, pretrial release, protective orders, and foster care plans, can improve compliance, enhancing public safety and child well-being. District court judges also express a need for more time to explain to self-represented litigants their rights and responsibilities, as well as the consequences of waiving the right to an attorney.

Judges across the state emphasize the importance of strong support staff and dedicated court clerks. There is concern that most clerks' offices are under-staffed. Additionally, judges in circuit courts without law clerk support felt that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges' time and increase the court's efficiency.

Judges who sit in multiple locations frequently underscore the importance of having case files available remotely, which allows them to prepare in advance for upcoming hearings and to take advantage of courtroom downtime to work on other cases. When documents are not available electronically, these judges have little opportunity to review case files before taking the bench.

A consistent theme from the site visits is that when the number of judges in a particular circuit or district falls below recommended levels, there is a negative impact on the efficient and effective resolution of cases. In these

⁸ Site visits were made to the following judicial circuits and districts: 4, 7, 8, 16, 19, 20, 25 and 27 and, due to scheduling difficulties, a conference call was held with the judges and staff in the 22nd Circuit and District.

circumstances, judges are often forced to meet the excess demand by holding shorter hearings, scheduling trial dates further and further out, and are often forced to ‘bump’ cases and reschedule them to a future date. Judges also have less time to thoroughly prepare for hearings. Further, to deal with the high volume of cases, judges are often forced to work through lunch and breaks and work longer hours to meet the increased demand. This is especially true for judges who handle high volume dockets. These judges expressed a concern for the growing number of cases on their dockets and the adverse impact this has on the health of individual judges. All of these factors contribute to increasing the time to disposition and an erosion of procedural satisfaction and the overall quality of justice.

B. Sufficiency of Time Survey

To provide a statewide perspective on areas of concern in relation to current practice, all circuit, general district, and juvenile and domestic relations district court judges statewide were asked to complete a web-based survey. For each case-related event (e.g., Pre-Trial, Disposition), judges were asked to identify particular tasks, if any, where additional time would allow them to more effectively handle their cases. It is important to note that if judges felt no additional time was needed, the survey included an option for judges to indicate this.⁹ The survey also included questions regarding non-case-related duties, as well as space for judges to comment freely on their workload.

⁹ For simplicity, some case-related event categories were combined for purposes of the sufficiency of time survey. The maximum number of selections varied by court type based upon the total number of activities in each event category. Circuit court judges were asked to select up to five activities in each of three categories (Pre-Trial Activities, Trial/Disposition Activities, Post-Judgment/Post-Disposition Activities). General district

A total of 87 circuit court judges, 67 general district court judges, and 71 juvenile and domestic relations district court judges completed the survey. Across all three court levels, judges reported that the use of interpreters slows the pace of proceedings. Judges state that more time is required to explain orders and rulings to non-English-speaking litigants, detracting from time available to conduct other aspects of a proceeding.

Additionally, circuit and general district judges indicated that conducting trials and final hearings, addressing the issues surrounding self-represented litigants, ensuring that parties feel that their questions and concerns have been addressed, and explaining orders and rulings as specific activities for which additional time would most improve the quality of justice. In juvenile and domestic relations cases, judges indicated a need for additional time to prepare for, conduct, and prepare recommendations, findings, and orders related to trials and final hearings, as well as to address the needs of self-represented litigants.

Lastly, judges stated that they feel they do not always have time to complete administrative tasks. Full dockets often require them to work after hours and on weekends to stay current with these responsibilities.

Several common themes emerged during the interviews as well as in the comments of the sufficiency of time survey. These qualitative findings were presented to the Delphi groups to assist the groups in identifying activities potentially warranting quality adjustments.

court judges were asked to select up to three activities in each of three categories (Pre-Trial Activities, Trial/Disposition Activities, Post-Judgment/Post-Disposition Activities). Juvenile and domestic relations district court judges were asked to select up to six activities in each of three categories (Pre-Disposition Activities, Disposition Activities, Post-Disposition Activities).

C. Delphi Quality Adjustment Groups

To provide a qualitative review of the preliminary case weights, NCSC staff facilitated a series of three separate quality adjustment sessions in September 2017 with Delphi groups of seasoned judges; one for each court type. Delphi group members represented a variety of single-jurisdiction and multi-jurisdiction courts across the state. During each Delphi session, NCSC staff provided group members with a brief overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey and site visit results.

Using a variant of the Delphi method—a structured, iterative process for decision-making by a panel of experts—judges engaged in a systematic review of the preliminary case weights. Group members drew on current practice (as measured by the time study), judicial perspective (as measured by the sufficiency of time survey and the site visits), and their personal experience on the bench to make recommendations regarding the content of the final case weights.

Each group was asked to follow a four-step process:

1. Review each preliminary case weight by case type and event and identify specific case types and activities where additional time would allow a judge to more effectively handle the case, as well as areas where efficiency might be gained;
2. Within particular case types, recommend adjustments to the time allotted to specific case-related functions;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time; and
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable.

This iterative, consensus-based review of the case weights was designed to ensure that all recommended adjustments were reasonable and designed to produce specific benefits to the public such as improvements in public safety, cost savings, increases in procedural justice, and improved compliance with court orders. This process also ensures that the statewide perspective gained from the site visits and sufficiency of time survey, along with the input of all Delphi group members, is incorporated into the final workload model.

The Delphi groups evaluated the case weights by focusing on distinct case-related events within each case type category. For each adjustment, the group was asked to specify both the amount of time to be added or subtracted and the percentage of cases in which this adjustment was required (frequency of adjustment). For example, the general district court Delphi group recommended adding 5 minutes to the pre-disposition activity event in 5% of landlord/tenant cases. This adjustment was recommended to maintain emphasis on procedural due process and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

Before being incorporated into the applicable case weight, each adjustment was multiplied by the corresponding frequency. For example, the 5-minute adjustment for pre-disposition activity in landlord/tenant cases was multiplied by 5% to yield a net case weight adjustment of .2 minutes per case.¹⁰

As another example, members of the juvenile and domestic relations district court Delphi group saw the need for spending additional time at disposition for a small percentage of child dependency cases. By increasing the time by 5 minutes in 15% of the cases, the group sought to provide judges with extra time to prepare detailed, written findings and orders at the adjudicatory hearing to memorialize the basis for the findings of the case.

Following the Delphi sessions, JNAC reviewed and adopted the Delphi groups' recommendations. Exhibit 13 shows the preliminary and quality-adjusted case weights for all case type categories. Appendix F contains a detailed list of the Delphi adjustments, along with the rationale for each adjustment.

¹⁰ For events that do not occur in every case (e.g., trial/contested disposition), each adjustment was multiplied by both the frequency of adjustment and the percentage of cases in which the event occurs (frequency of event).

Exhibit 13: Preliminary and Quality-Adjusted Case Weights

<i>Circuit Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Capital Murder	836	867
Non-Capital Felonies and Related Matters	44	45
Misdemeanor	10	10
Other Criminally Related Matters	26	26
Administrative Law	38	49
Contested Divorce	95	95
Uncontested Divorce	12	12
Domestic and Family - Level 1	103	103
Domestic and Family - Level 2	64	64
General Civil - Level 1	521	544
General Civil - Level 2	64	64
General Civil - Level 3	51	51
Probates/Wills and Trusts - Level 1	289	289
Probates/Wills and Trusts - Level 2	25	25
Protective Orders	45	45
Miscellaneous (Civil)	2	2

<i>General District Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Infraction/ Civil Violation	2.1	2.1
Misdemeanor	5.4	5.5
Felony	14.0	14.0
Garnishment	1.0	1.0
Landlord /Tenant	2.1	2.3
General Civil	4.0	4.2
Protective Orders	13.0	13.0
Involuntary Civil Commitments	5.0	5.0

<i>Juvenile & Domestic Relations District Court</i>	<u>Case Weights (minutes)</u>	
	Time Study	Delphi
Child Dependency	36	45
Child in Need of Services/Supervision	68	68
Custody and Visitation	21	23
Juvenile Miscellaneous	20	20
Delinquency	23	23
Traffic	10	10
Adult Criminal	14	15
Protective Orders	30	31
Support	14	14

V. CALCULATION OF TOTAL JUDICIAL NEED

At the conclusion of the quality adjustment process, the total number of judges needed in each circuit and district was calculated using the quality-adjusted case weights. First, each circuit/district total workload in minutes was calculated by multiplying the annual filings for each case type category by the corresponding case weight, then summing the result for all case type categories. The circuit/district total workload was then divided by the appropriate judge year value to yield the total number of

judges needed to handle the court's workload. When appropriate, as discussed earlier under Interpreter and Self-Represented Litigant Adjustments, adjustments were made to accommodate above average interpreter usage and the presence of more complex attorney configurations. Finally, an additional .1 FTE was added to each circuit/district judicial the chief judge adjustment. Exhibit 14 provides an example of the calculation of judicial need for the 5th Judicial Circuit.

Exhibit 14: Calculation of Judicial Need, 5th Judicial Circuit

	Filings	*	Case Weights (minutes)	=	Workload (minutes)	
Capital Murder	2	*	867	=	1,734	
Non-Capital Felonies and Related Matters	3,196	*	45	=	143,820	
Misdemeanor	952	*	10	=	9,520	
Other Criminally Related Matters	315	*	26	=	8,190	
Administrative Law	8	*	49	=	392	
Contested Divorce	155	*	95	=	14,725	
Uncontested Divorce	370	*	12	=	4,440	
Domestic and Family - Level 1	74	*	103	=	7,622	
Domestic and Family - Level 2	125	*	64	=	8,000	
General Civil - Level 1	14	*	544	=	7,616	
General Civil - Level 2	296	*	64	=	18,944	
General Civil - Level 3	157	*	51	=	8,007	
Probates/Wills and Trusts - Level 1	3	*	289	=	867	
Probates/Wills and Trusts - Level 2	42	*	25	=	1,050	
Protective Orders	19	*	45	=	855	
Miscellaneous	3,137	*	2	=	6,274	
	8,865				242,056	
				÷	71,280	Judge Year Value
					3.4	
				+	.1	Chief Judge Adjustment
					3.5	

Exhibit 14 shows that the 5th Judicial Circuit has a total need of 3.5 FTE circuit court judges. As is the case here, weighted caseload calculations typically result in estimates of judicial need that contain fractional judgeships. In some instances when implied need exceeds the number of sitting judges, the current complement of judges in a given circuit or district can organize to handle the additional workload, perhaps with the periodic assistance of a retired or substitute judge. However, at some point, the additional workload crosses a threshold that means the circuit/district needs another full-time judicial position to effectively resolve the cases entering the court. The main issue is to identify the threshold. In other words, develop a method to guide the decision of when to round up or down to a whole judicial position and thereby determine the appropriate number of authorized judicial positions in each circuit and district.

After much discussion, JNAC adopted a rounding convention that is based upon the workload per judge and puts judges in localities of all sizes on equal footing.¹¹ Workload per judge is calculated by dividing the total judge need in each circuit/district by the number of funded judicial positions. According to the rounding convention, when workload per judge is greater than or equal to 1.15 FTE, there is a need for one or more additional judicial positions; where workload per judge falls below .9 FTE, there is a need for fewer positions.¹² For example, in the 5th Judicial Circuit there are currently 3 authorized and funded FTE circuit court judges. Dividing the *Total Need* by the current number of *Funded Judges* ($3.5 \text{ FTE} \div 3$

FTE) results in a *Current Workload per Judge* of 1.17 FTE. Since workload per judge exceeds the upper threshold of 1.15 FTE, a judicial position is added to bring workload per judge below 1.15. Rounding judicial need to 4 FTE judges in this manner results in a *Final Workload per Judge* of .87 FTE ($3.5 \text{ FTE} \div 4 \text{ FTE}$). Exhibit 15 presents circuit court judge need for each judicial circuit, after the rounding convention has been applied. Overall, the model suggests a need for 170 FTE circuit court judges. Exhibit 16 and 17 display overall judge need for general district courts (130 FTE) and juvenile and domestic relations district courts (135 FTE), respectively.

The rounding convention using workload per judge was designed to provide empirical guidance as to which courts are over- or under-resourced. It also provides a means to rank jurisdictions regarding their relative need. The higher the workload per judge, the greater the need for additional resources (e.g., a court with a workload per judge of 1.36 would have a greater need for an additional judge than a court with a workload per judge of 1.18). The upper and lower thresholds are guidelines for an initial identification of courts that may need additional (or fewer) resources.

Courts that are near the threshold (e.g., courts with a workload per judge between 1.10 and 1.20) may benefit from a secondary analysis that examines additional contextual factors affecting the need for judges. For example, during the site visits several jurisdictions slightly above the workload per judge threshold of 1.15 indicated that they currently have sufficient resources to

potential to place an excess burden on judges in smaller courts.

¹² A position should not be subtracted, however, when this would result in a per-judge workload greater than 1.15 FTE. For this reason, final workload per judge may be lower than .9 FTE in some counties.

¹¹ It is our understanding that the current rounding convention used by the General Assembly when funding judgeships rounds fractional need up when the decimal is greater than .8. Under this convention, a 2-judge court with a need of 2.7 FTE judges would be rounded down to 2.0 FTE judges, or a workload per judge of 1.35 FTE. In contrast, a court with a need of 15.7 would be rounded down to 15 FTE judges, or a more manageable workload per judge of 1.05 FTE. The existing convention has the

efficiently and effectively handle their workload, even though the rounding rule suggests the need for an additional judgeship. On the other hand, during the site visits several jurisdictions slightly below the threshold pointed out unique factors that may impact their workload and may not be accounted for in the model. For example, complex equitable distribution hearings, complex custody hearings with multiple experts and attorneys, proximity to mental health facilities, and extra travel demands in multi-county jurisdictions may increase judicial workload. For courts falling slightly below the threshold (e.g., workload per judge of 1.14), these extra factors should be considered when determining whether additional resources are needed.

The rounding convention can be summarized as:

Rule 1: If workload per judge ≥ 1.15 , add judges until workload per judge < 1.15

Rule 2: If workload per judge < 0.90 , subtract a judge ONLY if resulting workload per judge < 1.15

An example of the application of the rounding convention is provided below for four sample jurisdictions.

- Smallville currently has 3 FTE *Authorized Judgeships* and 2 *Funded Judges* and an implied *Total Need* of 2.4 FTE judges. Dividing the total need by the number of funded judges results in a *Current Workload per Judge* of 1.20. Since the workload per judge exceeds 1.15 (see Rule 1) the *Judge Need (FTE) Rounded* is rounded up to 3 FTE judges.
- Metropolis has a *Current Workload per Judge* of 1.04; a value falling within the lower (.9) and upper rounding thresholds (1.15). As such, the current *Authorized and Funded Judgeships* (20) is sufficient.
- Central currently has 5 *Authorized and Funded Judgeships* and a *Total Need* of 4.1 FTE and a *Current Workload per Judge* of .82. Since the workload per judge falls below the .9 threshold (see Rule 2), the total need is rounded down to 4 judges. The resultant *Final Workload per Judge* becomes 1.03.
- Finally, Argo has a *Total Need* of 3.5 FTE and a *Current Workload per Judge* of .88. The workload per judge is below the .9 threshold. However, reducing the number of judges from 4 to 3 results in a workload per judge of 1.17 ($3.5 \div 3$), which exceeds the upper threshold of 1.15. Thus, the *Judge Need (FTE) Rounded* remains at 4 judges (see Rule 2)

Jurisdiction	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
Smallville	3	2	2.4	1.20	3	.80
Metropolis	20	20	20.8	1.04	20	1.04
Central	5	5	4.1	.82	4	1.03
Argo	4	4	3.5	.88	4	.88

Exhibit 15: Circuit Court Implied Need, using 1.15/.9 rounding rule

Circuit	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	5	4	5.05	1.26	5	1.01
2	9	9	7.43	.83	8	.93
3	4	4	3.69	.92	4	.92
4	8	8	7.95	.99	8	.99
5	3	3	3.50	1.17	4	.87
6	3	2	2.45	1.23	3	.82
7	6	5	4.80	.96	5	.96
8	3	3	3.01	1.00	3	1.00
9	4	4	4.32	1.08	4	1.08
10	4	4	4.12	1.03	4	1.03
11	3	3	2.76	.92	3	.92
12	6	6	6.15	1.03	6	1.03
13	8	7	6.50	.93	7	.93
14	5	5	4.82	.96	5	.96
15	11	11	11.93	1.08	11	1.08
16	6	5	5.89	1.18	6	.98
17	3	3	3.74	1.25	4	.93
18	4	3	2.35	.78	3	.78
19	15	15	14.12	.94	15	.94
20	5	4	4.60	1.15	5	.92
21	2	3	2.75	.92	3	.92
22	5	4	4.54	1.14	4	1.14
23	5	5	5.38	1.08	5	1.08
24	5	5	5.78	1.16	6	.96
25	5	5	5.99	1.20	6	1.00
26	8	8	8.64	1.08	8	1.08
27	7	6	6.79	1.13	6	1.13
28	4	3	3.47	1.16	4	.87
29	5	5	5.58	1.12	5	1.12
30	4	4	4.03	1.01	4	1.01
31	6	6	5.48	.91	6	.91
	171	162	167.59	1.03	170	.99

Exhibit 16: General District Court Implied Need, using 1.15/.9 rounding rule

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	4	4	4.16	1.04	4	1.04
2	7	7	6.43	.92	7	.92
3	2	3	1.88	.63	2	.94
4	6	5	5.75	1.15	6	.96
5	2	2	2.62	1.31	3	.87
6	4	4	5.01	1.25	5	1.00
7	4	4	3.44	.86	4	.86
8	3	3	2.80	.93	3	.93
9	3	3	3.13	1.04	3	1.04
10	3	3	2.52	.84	3	.84
11	3	3	2.48	.83	3	.83
12	5	5	5.53	1.11	5	1.11
13	6	6	6.05	1.01	6	1.01
14	5	5	4.80	.96	5	.96
15	8	7	8.06	1.15	8	1.01
16	4	4	4.01	1.00	4	1.00
17	3	3	2.54	.85	3	.85
18	2	2	1.61	.80	2	.80
19	11	10	12.07	1.21	11	1.10
20	4	4	3.44	.86	4	.86
21	1	1	1.25	1.25	2	.63
22	2	2	2.22	1.11	2	1.11
23	4	4	3.79	.95	4	.95
24	3	3	3.05	1.02	3	1.02
25	3	3	3.45	1.15	4	.86
26	5	5	5.33	1.07	5	1.07
27	5	4	5.05	1.26	5	1.01
28	2	2	2.46	1.23	3	.82
29	2	2	1.70	.85	2	.85
30	2	2	1.42	.71	2	.71
31	5	5	5.05	1.01	5	1.01
32	1	1	1.30	1.30	2	.65
	124	121	124.42	1.03	130	.96

Exhibit 17: Juvenile and Domestic Relations District Court Implied Need, using 1.15/.9 rounding rule

District	Authorized Judgeships (FTE)	Funded Judges (FTE)	Total Need (FTE)	Current Workload per Judge	Judge Need (FTE)	Final Workload per Judge
1	4	3	3.53	1.18	4	.88
2	7	6	6.20	1.03	6	1.03
3	3	3	2.61	.87	3	.87
4	5	5	4.76	.95	5	.95
5	2	2	2.28	1.14	2	1.14
6	2	2	2.39	1.20	3	.80
7	4	4	3.54	.88	4	.88
8	3	3	2.93	.98	3	.98
9	4	3	3.82	1.27	4	.95
10	4	3	3.11	1.04	3	1.04
11	3	2	2.44	1.22	3	.81
12	6	6	5.77	.96	6	.96
13	4	4	4.69	1.17	5	.94
14	5	5	5.15	1.03	5	1.03
15	10	9	9.62	1.07	9	1.07
16	6	5	6.14	1.23	6	1.02
17	2	2	1.60	.80	2	.80
18	2	2	1.83	.91	2	.91
19	7	7	8.82	1.26	8	1.10
20	3	3	3.33	1.11	3	1.11
21	2	2	2.20	1.10	2	1.10
22	4	4	3.62	.91	4	.91
23	5	5	4.78	.96	5	.96
24	6	5	5.86	1.17	6	.98
25	5	4	4.62	1.16	5	.92
26	7	6	7.11	1.19	7	1.02
27	5	5	4.83	.97	5	.97
28	3	3	2.67	.89	3	.89
29	3	3	3.27	1.09	3	1.09
30	2	2	2.30	1.15	3	.77
31	5	5	5.39	1.08	5	1.08
32	1	1	.84	.84	1	.84
	134	124	132.06	1.06	135	.98

VI. RECOMMENDATIONS

The weighted caseload model adopted by the Judicial Needs Assessment Committee provides an empirically grounded basis for analyzing judicial workload in each of Virginia's trial courts. The following recommendations will help to ensure the integrity and utility of the judicial workload model over time.

Recommendation 1

The revised weighted caseload model clearly illustrates the changing character of judicial workload in Virginia. When applied, the new case weights adopted by the Judicial Needs Assessment Committee provide an accurate means to determine the number of judges needed in each circuit and district court. In some jurisdictions, the current number of judges is insufficient to effectively resolve the cases coming before the court. The Virginia General Assembly should consider authorizing new judgeships in the circuit courts, general district courts, and juvenile and domestic relations district courts where the weighted caseload model shows a need for additional judges.

Recommendation 2

The calculations of judge need in this report are based upon a three-year average of case filing data. NCSC recommends that circuit court, general district court, and juvenile and domestic relations district court judge need be recalculated on an annual basis using the same methodology set forth in this report and updated with year-end case filing data. The application of the workload formula to the most recent filings will reveal the impact of any changes in caseloads or caseload composition on judicial workload and judge need. OES should continue to make improvements in data quality and consistency in automated case management systems to better track and record use of interpreters and alternative attorney configurations in all cases.

Recommendation 3

The availability of support personnel, especially law clerks/staff attorneys and court clerks, has a profound impact on judges' ability to perform their work efficiently and effectively. Judges across the state stressed the importance of strong support staff and dedicated court clerks, and stated that if they had access to a law clerk or a judicial secretary to assist with tasks such as preparing case summaries, taking notes during hearings, and assisting with drafting opinions and orders that would enable judges to make more timely decisions, and therefore save judges time and increase the court's efficiency. NCSC recommends that workload assessments be conducted or updated for law clerks/staff attorneys, judicial assistants, circuit court deputy clerks, and district clerks of court and deputy clerks. The OES currently maintains and routinely updates a weighted caseload staffing model and workload assessment for district court clerks, while staffing and development of staffing models for law clerks/staff attorneys, judicial assistants and circuit court deputy clerks are the responsibility of localities and/or the Virginia Compensation Board. The development of or an update to existing staffing models for these groups would provide the information needed to evaluate the adequacy of staffing levels to ensure the quality processing of cases.

Recommendation 4

Over time, the integrity of a weighted caseload model may be affected by multiple influences, such as changes in legislation, case law, legal practice, and technology. Regular updates are necessary to ensure that a weighted caseload model remains an accurate representation of judicial workload. A systematic review of the model should be conducted every five years.

APPENDICES

Appendix A: Case Type Definitions

Circuit Court Case Type Categories

1. Capital Murder

2. Felony (Non-Capital) and Related Matters

In addition to non-capital felonies, this category includes the following related matters:

- Probation violations
- Revocation actions
- Civil commitment of sexually violent predators
- NGRI reviews
- Writs of habeas corpus
- Felony violations of protective orders

3. Misdemeanor

Includes all misdemeanor offenses, including:

- Misdemeanor appeals from district court
- Misdemeanor violations of protective orders
- Misdemeanor animal violations
- Misdemeanor zoning violations

4. Other Criminally Related Matters

Includes the following matters:

- Traffic infractions
- Animal violations (civil)
- Bond appeals
- Contempt

5. Administrative Law

Includes the following matters:

- Appeals from local governments, boards, agencies and commissions
- Writs of certiorari, mandamus, prohibition and quo warranto

6. Contested Divorce

Includes divorce cases where *any* one or more of the following matters was *at any time disputed or contested*: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution, or debt allocation. Includes all matters arising out of a contested divorce, such as:

- Pendente lite hearings
- Custody and visitation
- Support
- Equitable distribution
- Reinstatements

7. Uncontested Divorce

Includes divorce cases where the case has been filed on no-fault grounds pursuant to Va. Code § 20-91(9) *and there are no issues in controversy* concerning spousal support and maintenance, child custody and/or visitation, child support, property distribution, or debt allocation.

8. Other Domestic and Family - Level 1 (More Complex)

Includes annulments and the following juvenile civil appeals:

- Abuse and neglect
- Custody and visitation
- Juvenile support
- Paternity
- Permanency planning
- Termination of parental rights

9. Other Domestic and Family - Level 2 (Less Complex)

Includes the following matters:

- Adoption
- Adult protection
- Child abuse and neglect - unfounded (§ 63.2-1514 D)
- Civil contempt
- Transfer of finalized divorce
- Appointment of guardian/committee/fiduciary
- Separate maintenance

Includes the following juvenile civil appeals:

- Emancipation
- Involuntary commitment
- Judicial bypass (abortion)
- Status petitions
- Relief of custody
- Civil and criminal support
- Show cause

10. General Civil - Level 1 (More Complex)

Includes the following matters:

- Annexation
- Asbestos litigation
- Establishment of boundaries
- Medical malpractice
- Product liability
- Wrongful death

11. General Civil - Level 2 (Intermediate Complexity)

Includes the following matters:

- Condemnation
- Contract actions
- Correction of erroneous state/local taxes
- Declaratory judgments

- General tort liability
- Injunctions
- Intentional torts
- Mechanic's liens
- Motor vehicle cases
- Partition suits
- Specific performance
- Termination of mineral rights
- Actions to quiet title

12. General Civil - Level 3 (Less Complex)

Includes the following matters:

- Attachments
- Confessed judgments
- Compromise settlements
- Delinquent taxes
- Suits in detinue
- Ejectments
- Enforcement of vendor's liens
- Actions to encumber/sell real estate
- Escheatments
- Freedom of Information Act cases
- Complaints to enforce judgment liens
- Landlord/tenant cases
- Civil appeals from General District Court

13. Probate/Wills and Trusts - Level 1 (More Complex)

Includes the following matters:

- Aid and guidance
- Construing wills

14. Probate/Wills and Trusts - Level 2 (Less Complex)

Includes the following matters:

- Appointment of guardian/standby guardian/conservator
- Actions to impress/declare a trust
- Reformation of trusts

15. Protective Order

16. Miscellaneous (Civil)

Includes the following matters:

- Appointment of church trustee
- Appointment of conservator of the peace
- Appointment of marriage celebrant
- Approval of right to be eligible to vote
- Bond forfeitures
- Concealed handgun permits
- Declarations of death
- Expungements
- Forfeiture of U.S. currency
- Garnishments
- Adult involuntary commitments
- Interdictions
- Judicial review of DMV revocation/suspension
- Name changes
- Referendum elections
- Reinstatement/restoration of driving privileges
- Petition by sex offender to enter school property

General District Court Case Type Categories

1. Traffic Infraction/Civil Violation

Includes the following matters:

- Traffic infractions
- Motor carrier violations
- Overweight citations
- Seatbelt violations
- Civil violations of local ordinances (e.g., animal and tobacco violations)

2. Misdemeanor

Includes the following matters:

- Misdemeanors
- Misdemeanor violations of protective orders
- Misdemeanor animal violations
- Misdemeanor zoning violations

Also includes related matters such as:

- Bond forfeitures
- Show causes
- Capiases
- Petitions for restricted operator's licenses for failure to pay fines and costs

3. Felony

Includes the following matters:

- Felonies
- Felony violations of protective orders

Also includes related matters such as:

- Bond forfeitures
- Show causes
- Capiases

4. Garnishment and Interrogatories

5. Landlord/Tenant

Includes the following matters:

- Tenant's assertions
- Unlawful detainers

6. General Civil

Includes the following matters:

- Warrants in debt
- Motions for judgment
- Mechanic's liens
- Distress actions
- Suits in detinue
- Petitions to restore right to bear arms
- Jail fee license suspensions

7. Protective Order

8. Involuntary Commitment

Juvenile and Domestic Relations District Court Case Type Categories

1. Child Dependency

Includes the following matters:

- Abuse and neglect
- Child at risk for abuse/neglect
- Request for child protective order
- Prenatal substance abuse
- Initial foster care review
- Foster care review
- Entrustment agreement
- Permanency planning
- Relief of custody
- Termination of parental rights

2. Child in Need of Services/Supervision (CHINS)

Includes the following matters:

- Child in need of services
- Child in need of supervision
(truancy/runaway)
- CHINS show cause

3. Custody and Visitation

Includes the following matters:

- Custody/visitation
- Paternity
- Consent to adopt
- Registration of foreign order for custody
- Custody/visitation show cause

4. Juvenile Miscellaneous

Includes the following matters:

- Emancipation
- Judicial bypass (abortion)
- Status offense (e.g., possession of tobacco, curfew violation)
- Tobacco offense (Clean Air Act)
- Work permits
- Permission to treat a juvenile

5. Delinquency

Includes the following matters:

- Delinquency felony
- Delinquency misdemeanor (including reckless driving and DUI)
- Capias in a delinquency case
- Show cause in a delinquency case
- Juvenile delinquency violation of protective order

6. Traffic

Includes the following matters:

- Juvenile traffic infractions
- RDL issued to juvenile
- RDL issued to adult for failure to pay fines and costs

7. Adult Criminal

Includes the following matters:

- Adult felonies
- Adult misdemeanors
- Adult criminal violations of protective orders

Includes the following matters related to adult criminal cases:

- Bond hearings
- Bond forfeitures
- Capiases
- Probation violations
- Show causes

8. Protective Orders

Includes protective orders where the respondent is an adult or juvenile in any family abuse or Title 19.2 protective order case.

9. Support

Includes the following matters:

- Civil support
- Criminal support
- Juvenile support/juvenile respondent
- Registration of foreign order for support
- Capias (support)
- Restricted driver's license (support only)
- Support show cause

Appendix B: Non-Case-Related Activities

1. Non-Case-Related Administration

Includes all non-case-related administrative work such as:

- Staff meetings
- Judges' meetings
- Personnel matters
- Staff supervision and mentoring
- Court management

2. General Legal Research

Includes all reading and research that is *not* related to a particular case before the court.

Examples include:

- Reading journals
- Reading professional newsletters
- Reviewing appellate court decisions

3. Judicial Education and Training

Includes all educational and training activities such as:

- Judicial education
- Conferences

Includes travel related to judicial education and training.

4. Committee Meetings, Other Meetings, and Related Work

Includes all work related to and preparation for meetings of state and local committees, boards, and task forces, such as:

- Community criminal justice board meetings
- Benchbook committee meetings
- Meetings of committees of the Judicial Conference of Virginia

Includes travel related to meetings.

5. Community Activities and Public Outreach

Includes all public outreach and community service that is performed in your official capacity as a judge. This category does not include work for which you are compensated through an outside source, such as teaching law school courses, or personal community service work that is not performed in your official capacity as a judge. Examples include:

- Speaking at schools about legal careers
- Judging moot court competitions

Includes travel related to community activities and public outreach.

6. DC-40/DC-44 Forms (*Juvenile and Domestic Relations District Court only)

Includes all time spent reviewing and signing DC-40 and DC-44 reimbursement voucher forms, regardless of the underlying case type.

7. Work-Related Travel

Work-Related Travel includes only reimbursable travel between courts during the business day. Does not include commuting time or other non-reimbursable travel. Record reimbursable travel related to judicial education and training, committee meetings, or community activities and public outreach in the applicable category.

8. Lunch and Breaks

Includes all routine breaks during the working day.

9. NCSC Time Study

Includes all time spent filling out time study forms and entering time study data using the Web-based form.

Appendix C: Population Change, 2000-2016

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Chesapeake city	1	200,224	215,128	222,986	237,940	19%
Accomack County	2	38,215	35,835	33,202	32,947	- 14%
Northampton County	2	13,025	12,771	12,388	12,139	- 7%
Virginia Beach city	2	426,918	436,210	439,172	452,602	6%
Portsmouth city	3	100,337	98,069	95,696	95,252	- 5%
Norfolk city	4	234,986	239,650	243,135	245,115	4%
Franklin city	5	8,269	8,278	8,619	8,306	%
Isle of Wight County	5	29,849	32,566	35,288	36,596	23%
Southampton County	5	17,493	17,810	18,552	18,057	3%
Suffolk city	5	64,216	77,957	84,906	89,273	39%
Brunswick County	6	18,387	17,981	17,404	16,243	- 12%
Emporia city	6	5,655	5,657	5,937	5,305	- 6%
Greensville County	6	11,566	12,063	12,234	11,706	1%
Hopewell city	6	22,277	22,131	22,655	22,735	2%
Prince George County	6	33,100	34,798	35,716	37,845	14%
Surry County	6	6,833	6,865	7,064	6,544	- 4%
Sussex County	6	12,456	11,933	12,060	11,504	- 8%
Newport News city	7	180,236	183,651	180,712	181,825	1%
Hampton city	8	146,054	141,314	137,381	135,410	- 7%
Charles City County	9	6,930	7,060	7,271	7,071	2%
Gloucester County	9	34,793	36,011	36,950	37,214	7%
James City County	9	48,536	58,428	67,237	74,404	53%
King and Queen County	9	6,620	6,792	6,959	7,159	8%
King William County	9	13,238	14,278	16,003	16,334	23%
Mathews County	9	9,142	8,962	8,971	8,782	- 4%
Middlesex County	9	9,932	10,526	10,977	10,778	9%
New Kent County	9	13,537	15,953	18,556	21,147	56%
Poquoson city	9	11,582	11,879	12,141	12,017	4%
Williamsburg city	9	12,012	12,400	14,170	15,214	27%
York County	9	57,119	63,076	65,467	67,976	19%
Appomattox County	10	13,692	13,981	15,019	15,475	13%
Buckingham County	10	15,634	16,401	17,120	17,048	9%
Charlotte County	10	12,476	12,631	12,568	12,129	- 3%
Cumberland County	10	8,987	9,465	10,056	9,652	7%
Halifax County	10	37,299	36,340	36,192	34,992	- 6%
Lunenburg County	10	13,093	13,030	12,922	12,273	- 6%
Mecklenburg County	10	32,384	32,554	32,671	30,892	- 5%
Prince Edward County	10	19,708	21,341	23,379	23,142	17%

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Amelia County	11	11,446	11,943	12,729	12,913	13%
Dinwiddie County	11	24,674	26,149	27,995	28,144	14%
Nottoway County	11	15,773	15,795	15,837	15,595	- 1%
Petersburg city	11	33,561	31,930	32,527	31,882	- 5%
Powhatan County	11	22,585	26,372	28,071	28,443	26%
Chesterfield County	12	261,047	289,998	317,102	339,009	30%
Colonial Heights city	12	16,905	17,348	17,381	17,772	5%
Richmond city	13	196,782	197,465	204,389	223,170	13%
Henrico County	14	264,385	286,441	307,435	326,501	23%
Caroline County	15	22,136	25,475	28,631	30,178	36%
Essex County	15	9,984	10,445	11,167	11,123	11%
Fredericksburg city	15	19,461	21,660	24,445	28,297	45%
Hanover County	15	86,972	96,451	99,948	104,392	20%
King George County	15	16,916	20,476	23,675	25,984	54%
Lancaster County	15	11,549	11,533	11,380	10,972	- 5%
Northumberland County	15	12,229	12,501	12,326	12,222	%
Richmond County	15	8,803	9,213	9,248	8,774	%
Spotsylvania County	15	91,387	115,017	122,853	132,010	44%
Stafford County	15	93,625	117,611	129,745	144,361	54%
Westmoreland County	15	16,644	16,757	17,463	17,592	6%
Albemarle County	16	83,532	91,676	99,150	106,878	28%
Charlottesville city	16	41,351	40,597	43,547	46,912	13%
Culpeper County	16	34,442	41,894	46,850	50,083	45%
Fluvanna County	16	20,191	24,318	25,733	26,271	30%
Goochland County	16	16,935	19,349	21,745	22,668	34%
Greene County	16	15,454	17,155	18,461	19,371	25%
Louisa County	16	25,819	29,835	33,262	35,236	36%
Madison County	16	12,535	13,106	13,299	13,078	4%
Orange County	16	25,981	29,990	33,535	35,533	37%
Arlington County	17	189,198	187,760	209,457	230,050	22%
Falls Church city	17	10,441	10,840	12,520	14,014	34%
Alexandria city	18	129,225	128,181	140,912	155,810	21%
Fairfax city	19	21,600	20,860	22,671	24,164	12%
Fairfax County	19	975,476	1,019,490	1,086,743	1,138,652	17%
Fauquier County	20	55,470	62,686	65,383	69,069	25%
Loudoun County	20	173,907	254,909	315,134	385,945	122%
Rappahannock County	20	6,980	7,384	7,376	7,388	6%

Appendix C: Population Change, 2000-2016, continued

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Henry County	21	57,903	55,651	54,079	51,445	- 11%
Martinsville city	21	15,331	14,405	13,769	13,445	- 12%
Patrick County	21	19,418	18,802	18,464	17,923	- 8%
Danville city	22	48,104	45,086	42,928	41,898	- 13%
Franklin County	22	47,546	51,976	56,191	56,069	18%
Pittsylvania County	22	61,835	62,467	63,488	61,687	%
Roanoke city	23	94,941	93,932	96,967	99,660	5%
Roanoke County	23	85,744	89,245	92,389	94,031	10%
Salem city	23	24,747	24,310	24,860	25,549	3%
Amherst County	24	31,854	31,955	32,319	31,633	- 1%
Bedford County/City	24	66,897	71,011	74,978	77,960	17%
Campbell County	24	51,082	52,795	54,921	54,952	8%
Lynchburg city	24	65,330	68,773	75,686	80,212	23%
Nelson County	24	14,451	14,828	15,003	14,869	3%
Alleghany County	25	17,213	16,580	16,228	15,595	- 9%
Augusta County	25	65,572	69,949	73,668	74,997	14%
Bath County	25	5,020	4,891	4,714	4,476	- 11%
Botetourt County	25	30,648	31,803	33,165	33,231	8%
Buena Vista city	25	6,381	6,634	6,627	6,452	1%
Covington city	25	6,281	6,073	5,971	5,518	- 12%
Craig County	25	5,073	5,139	5,208	5,158	2%
Highland County	25	2,529	2,463	2,306	2,216	- 12%
Lexington city	25	6,825	6,903	7,046	7,045	3%
Rockbridge County	25	20,835	21,738	22,294	22,392	7%
Staunton city	25	23,896	23,603	23,765	24,363	2%
Waynesboro city	25	19,661	20,533	21,045	21,887	11%
Clarke County	26	12,672	13,710	14,052	14,374	13%
Frederick County	26	59,639	69,921	78,511	84,421	42%
Harrisonburg city	26	40,437	44,572	49,041	53,078	31%
Page County	26	23,149	23,708	24,027	23,654	2%
Rockingham County	26	67,977	72,030	76,413	79,744	17%
Shenandoah County	26	35,240	39,406	42,053	43,175	23%
Warren County	26	31,690	35,405	37,676	39,155	24%
Winchester city	26	23,699	25,565	26,268	27,516	16%
Bland County	27	6,833	6,873	6,808	6,513	- 5%
Carroll County	27	29,264	29,660	30,027	29,531	1%
Floyd County	27	13,909	14,588	15,316	15,731	13%
Galax city	27	6,921	6,821	7,067	6,775	- 2%
Giles County	27	16,738	16,963	17,296	16,857	1%
Grayson County	27	16,782	16,153	15,478	15,107	- 10%
Montgomery County	27	83,799	88,696	94,531	98,602	18%
Pulaski County	27	35,144	34,748	34,829	34,203	- 3%
Radford city	27	15,872	15,995	16,423	17,483	10%
Wythe County	27	27,621	28,349	29,230	29,016	5%

Jurisdiction	Circuit	2000	2005	2010	2016	Percent Change
Bristol city	28	17,289	17,493	17,822	16,960	- 2%
Smyth County	28	33,079	32,519	32,163	31,062	- 6%
Washington County	28	51,230	52,940	54,877	54,214	6%
Buchanan County	29	26,838	25,315	24,012	22,178	- 17%
Dickenson County	29	16,322	16,111	15,897	14,968	- 8%
Russell County	29	29,251	28,508	28,862	27,370	- 6%
Tazewell County	29	44,418	44,025	45,078	42,150	- 5%
Lee County	30	23,548	25,150	25,578	24,179	3%
Norton city	30	3,916	3,767	3,971	3,864	- 1%
Scott County	30	23,351	23,084	23,147	21,930	- 6%
Wise County	30	42,077	41,585	41,463	39,228	- 7%
Manassas city	31	34,914	36,452	38,201	41,483	19%
Manassas Park city	31	10,305	12,451	14,450	15,915	54%
Prince William County	31	284,565	350,612	406,110	455,210	60%
Statewide		7,105,817	7,577,105	8,024,617	8,411,808	18%

Circuit	2000	2005	2010	2016	% Change
1	200,224	215,128	222,986	237,940	19%
2	478,158	484,816	484,762	497,688	4%
3	100,337	98,069	95,696	95,252	- 5%
4	234,986	239,650	243,135	245,115	4%
5	119,827	136,611	147,365	152,232	27%
6	110,274	111,428	113,070	111,882	1%
7	180,236	183,651	180,712	181,825	1%
8	146,054	141,314	137,381	135,410	- 7%
9	223,441	245,365	264,702	278,096	24%
10	153,273	155,743	159,927	155,603	2%
11	108,039	112,189	117,159	116,977	8%
12	277,952	307,346	334,483	356,781	28%
13	196,782	197,465	204,389	223,170	13%
14	264,385	286,441	307,435	326,501	23%
15	389,706	457,139	490,881	525,905	35%
16	276,240	307,920	335,582	356,030	29%
17	199,639	198,600	221,977	244,064	22%
18	129,225	128,181	140,912	155,810	21%
19	997,076	1,040,350	1,109,414	1,162,816	17%
20	236,357	324,979	387,893	462,402	96%
21	92,652	88,858	86,312	82,813	- 11%
22	157,485	159,529	162,607	159,654	1%
23	205,432	207,487	214,216	219,240	7%
24	229,614	239,362	252,907	259,626	13%
25	209,934	216,309	222,037	223,330	6%
26	294,503	324,317	348,041	365,117	24%
27	252,883	258,846	267,005	269,818	7%
28	101,598	102,952	104,862	102,236	1%
29	116,829	113,959	113,849	106,666	- 9%
30	92,892	93,586	94,159	89,201	- 4%
31	329,784	399,515	458,761	512,608	55%
Statewide	7,105,817	7,577,105	8,024,617	8,411,808	18%

Appendix D: Law Clerks by Circuit

Circuit	No. of Law Clerks	Jurisdiction	Types of cases
1	3	Chesapeake	90% civil 10% criminal
2	3	Virginia Beach (only)	All cases
3	1	Portsmouth	All cases
4	4	Norfolk	Primarily civil and some criminal motions
5	0	NA	NA
6	1	Entire circuit	Civil and criminal
7	2	Newport News	Civil and criminal
8	0	NA	NA
9	0	NA	NA
10	0	NA	NA
11	0	NA	NA
12	6	Chesterfield and Colonial Heights	Civil
13	4	Richmond	Civil and criminal
14	3	Henrico	All cases
15	1.7	Hanover & Spotsylvania	Civil and criminal
16	0	NA	NA
17	3	Arlington	All cases
18	3	Alexandria	Civil and criminal
19	14	Fairfax	Civil, domestic, and criminal
20	4.3	Loudoun, Fauquier, and Rappahannock	Civil
21	0	NA	NA
22	1	Danville (only)	Civil
23	3	Entire circuit	Civil and some criminal
24	1	Lynchburg	All cases
25	2	Staunton, Waynesboro, and Augusta	All cases, except domestic
26	1	Rockingham (only)	Primarily non-domestic civil cases. Occasionally criminal and domestic
27	0	NA	NA
28	0	NA	NA
29	4	Tazewell, Russell, Buchanan, and Dickerson	Civil and criminal
30	1	Wise (occasionally assist other jurisdictions)	Almost exclusively civil litigation
31	6	Prince William	All cases

Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court

Zero attorneys

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	0%	10%	20%	0%	0%	65%	10%	55%	30%	20%
2	0%	0%	50%	40%	10%	85%	35%	80%	20%	35%
3	0%	0%	15%	65%	0%	100%	5%	85%	10%	15%
4	0%	65%	45%	40%	10%	60%	10%	70%	10%	20%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	10%	25%	40%	50%	0%	55%	15%	45%	15%	20%
7	20%	10%	55%	45%	10%	85%	25%	80%	20%	35%
8	5%	15%	50%	90%	20%	95%	35%	85%	25%	35%
9	0%	0%	30%	25%	0%	75%	10%	60%	20%	20%
10	5%	30%	50%	100%	20%	85%	50%	75%	20%	35%
11	60%	75%	80%	50%	30%	65%	45%	90%	35%	50%
12	0%	0%	40%	15%	15%	85%	50%	65%	30%	40%
13	0%	10%	35%	40%	10%	75%	20%	90%	20%	25%
14	20%	45%	40%	50%	25%	95%	45%	85%	40%	45%
15	10%	25%	40%	25%	25%	90%	30%	70%	30%	35%
16	5%	15%	45%	30%	15%	70%	25%	70%	25%	30%
17	15%	20%	35%	75%	25%	75%	20%	60%	10%	25%
18	10%	10%	50%	0%	10%	70%	15%	65%	20%	25%
19	0%	0%	45%	60%	10%	80%	25%	55%	25%	35%
20	10%	0%	60%	0%	0%	10%	0%	60%	30%	20%
21	0%	50%	65%	0%	35%	90%	55%	85%	25%	45%
22	0%	25%	60%	35%	25%	50%	25%	75%	5%	30%
23	0%	30%	55%	25%	20%	65%	50%	70%	45%	45%
24	10%	30%	40%	0%	40%	85%	50%	75%	30%	45%
25	5%	15%	50%	80%	25%	55%	20%	70%	35%	35%
26	5%	5%	50%	30%	30%	80%	35%	60%	25%	35%
27	10%	25%	45%	70%	35%	85%	45%	75%	40%	45%
28	5%	50%	45%	20%	25%	55%	40%	75%	10%	35%
29	5%	40%	45%	60%	30%	80%	20%	65%	10%	30%
30	35%	60%	20%	50%	30%	95%	35%	70%	20%	35%
31	10%	20%	45%	40%	20%	75%	30%	75%	25%	35%
32	0%	0%	40%	0%	20%	65%	35%	70%	35%	35%

Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued

1 attorney

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	5%	30%	5%	20%	15%	0%	20%	15%	0%	10%
2	0%	10%	0%	20%	0%	0%	0%	0%	5%	0%
3	0%	65%	30%	5%	0%	0%	0%	0%	10%	10%
4	0%	0%	10%	0%	0%	10%	0%	10%	0%	0%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	5%	0%	0%	20%	0%	15%	5%	10%	0%	0%
7	30%	45%	0%	15%	5%	0%	10%	0%	0%	5%
8	15%	35%	0%	0%	35%	0%	25%	0%	5%	15%
9	0%	5%	0%	45%	5%	0%	10%	5%	0%	5%
10	0%	10%	0%	0%	5%	0%	0%	0%	5%	0%
11	0%	0%	0%	20%	0%	15%	0%	0%	0%	0%
12	0%	0%	0%	0%	10%	0%	0%	5%	0%	0%
13	0%	0%	15%	0%	20%	5%	40%	0%	0%	20%
14	0%	0%	5%	0%	5%	0%	10%	0%	0%	0%
15	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%
16	0%	0%	5%	25%	5%	0%	5%	5%	0%	5%
17	0%	0%	5%	0%	0%	0%	0%	0%	5%	0%
18	0%	40%	0%	0%	0%	5%	0%	0%	5%	0%
19	0%	20%	5%	0%	20%	0%	15%	10%	0%	5%
20	25%	0%	0%	70%	0%	50%	5%	0%	0%	0%
21	0%	0%	0%	0%	20%	0%	5%	0%	10%	5%
22	0%	0%	0%	15%	0%	25%	0%	0%	25%	0%
23	0%	0%	0%	0%	5%	10%	0%	0%	0%	0%
24	5%	0%	0%	20%	0%	0%	0%	0%	0%	0%
25	0%	30%	0%	0%	0%	15%	10%	0%	0%	0%
26	5%	0%	0%	35%	25%	0%	15%	10%	5%	10%
27	0%	15%	0%	0%	0%	0%	0%	0%	0%	0%
28	0%	0%	0%	0%	10%	15%	0%	0%	0%	0%
29	0%	0%	0%	0%	0%	0%	0%	5%	5%	0%
30	10%	0%	10%	20%	15%	0%	20%	0%	0%	5%
31	20%	5%	10%	10%	0%	0%	0%	0%	0%	0%
32	0%	0%	5%	0%	45%	15%	20%	10%	0%	5%

Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued

Two attorneys

District	Child Dependency	Child in Need of Services/ Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	20%	0%	5%	0%	0%	30%	0%	5%	0%	0%
2	5%	0%	0%	0%	20%	0%	20%	0%	0%	5%
3	5%	0%	0%	0%	45%	0%	35%	0%	5%	15%
4	5%	0%	0%	0%	20%	5%	35%	0%	15%	15%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	0%	0%	10%	0%	15%	5%	10%	5%	15%	10%
7	0%	0%	0%	0%	5%	0%	0%	0%	5%	0%
8	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
9	0%	20%	10%	0%	10%	0%	10%	10%	5%	5%
10	5%	0%	0%	0%	0%	5%	0%	0%	0%	0%
11	0%	0%	0%	0%	25%	0%	10%	0%	0%	5%
12	0%	30%	5%	25%	0%	0%	0%	5%	0%	0%
13	0%	15%	0%	20%	0%	0%	0%	0%	5%	0%
14	0%	0%	0%	5%	0%	0%	0%	0%	0%	0%
15	0%	15%	0%	0%	0%	0%	0%	0%	0%	0%
16	0%	5%	0%	0%	0%	5%	0%	0%	0%	0%
17	0%	0%	10%	0%	0%	5%	15%	5%	0%	5%
18	0%	0%	0%	0%	15%	0%	25%	5%	0%	10%
19	0%	0%	5%	5%	0%	0%	0%	10%	0%	0%
20	20%	40%	0%	0%	25%	15%	25%	15%	0%	15%
21	15%	10%	0%	0%	0%	0%	0%	0%	0%	0%
22	0%	15%	5%	0%	20%	0%	15%	0%	0%	5%
23	0%	0%	0%	20%	0%	0%	0%	10%	0%	0%
24	0%	0%	5%	30%	0%	0%	5%	0%	5%	0%
25	20%	0%	5%	0%	0%	5%	0%	0%	0%	0%
26	5%	20%	5%	0%	0%	0%	0%	0%	0%	0%
27	0%	0%	0%	0%	0%	0%	0%	0%	5%	0%
28	0%	0%	10%	35%	0%	5%	0%	0%	20%	5%
29	0%	0%	0%	0%	0%	5%	25%	5%	5%	5%
30	0%	0%	15%	0%	0%	0%	0%	10%	35%	0%
31	5%	5%	0%	0%	0%	5%	5%	5%	5%	0%
32	0%	50%	0%	0%	0%	0%	0%	0%	10%	0%

Appendix E: Percentage of Alternative Attorney Configurations by Number of Attorneys, Juvenile and Domestic Relations District Court, continued

3 or more attorneys

District	Child Dependency	Child in Need of Services/Supervision	Custody and Visitation	Juvenile Misc	Delinquency	Traffic	Adult Criminal	Protective Orders	Support	Total
1	0%	10%	10%	40%	0%	0%	10%	0%	5%	5%
2	10%	15%	0%	0%	0%	0%	0%	0%	0%	0%
3	15%	0%	0%	0%	0%	0%	0%	0%	0%	0%
4	5%	0%	0%	5%	5%	0%	0%	0%	0%	0%
5	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
6	0%	25%	0%	0%	20%	0%	0%	10%	0%	5%
7	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
8	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
9	15%	0%	5%	0%	5%	0%	0%	0%	5%	5%
10	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%
11	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
12	25%	5%	0%	20%	5%	0%	0%	0%	0%	0%
13	20%	0%	0%	0%	0%	0%	0%	0%	0%	5%
14	0%	0%	5%	0%	0%	0%	0%	0%	0%	0%
15	5%	0%	5%	25%	0%	0%	0%	0%	0%	5%
16	15%	10%	0%	0%	0%	0%	0%	0%	0%	5%
17	10%	10%	0%	0%	5%	0%	5%	5%	5%	10%
18	15%	0%	0%	0%	0%	0%	0%	0%	0%	0%
19	10%	5%	0%	5%	0%	0%	0%	0%	0%	0%
20	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
21	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
22	15%	10%	0%	0%	0%	0%	0%	0%	0%	5%
23	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%
24	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%
25	0%	0%	0%	0%	0%	0%	0%	5%	0%	0%
26	0%	5%	0%	0%	0%	0%	0%	0%	0%	0%
27	10%	0%	0%	0%	0%	0%	0%	0%	0%	5%
28	15%	0%	0%	0%	0%	0%	0%	0%	0%	5%
29	10%	0%	5%	0%	0%	0%	5%	0%	0%	5%
30	0%	0%	5%	0%	5%	0%	0%	0%	0%	5%
31	0%	0%	0%	0%	5%	0%	0%	0%	0%	0%
32	35%	0%	5%	0%	0%	0%	0%	0%	0%	0%

Appendix F: Summary of Delphi Adjustments and Rationales

Circuit Court

Capital Murder

- Pre-Disposition: Add 90 minutes in 100% of cases for pre-set motion dates which gives defense counsel and Commonwealth's Attorney time to get issues resolved. This will assist in better judicial control over the docket and lead to a decrease in the number of continuances and fewer emergency hearings.

Felony (non-capital) and Related Matters

- Disposition: Add 5 minutes in 5% of cases for a new restitution order mandated by the General Assembly. Judges are required to advise the defendant on the multi-page form and the multiple steps to process.
- Post-Disposition: Add 15 minutes in 15% of cases to review the entire court file for the purpose of adjudicating the probation violation. Reports from the Department of Corrections (DOC) do not provide a history of prior violations and are not detailed enough (due to cuts and fewer resources at DOC). This review will lead to better, more informed results and enhance public safety.
- Post-Disposition: Add 2 minutes in 10% of cases to review orders: sentencing, conviction, show cause. These are typically prepared by Circuit clerks/other staff with typos and errors that necessitate a thorough review for accuracy. Not all courts face this issue. It is more of an issue when staff turnover is high.

Administrative Law

- Pre-Disposition: Add 15 minutes in 75% of cases to review the administrative record and file in-depth before the hearing is held. Having a better command of the record would help foster a greater respect for the process and the result. Currently, judges often read the file while on the bench and are not prepared to rule at the time of the hearing, taking the matter under advisement to review later. A more thorough review before the hearing could eliminate the need to write an opinion. Further, these matters involve many self-represented litigants, and the additional time would allow for more thorough explanations to these litigants.

General Civil Level 1

- Pre-Disposition: Add 30 minutes in 75% of cases to increase the use of pre-trial conferences, which will allow for more efficient case processing which will lead to a reduction in continuances, increased trial efficiency (speed up trials), better management of evidence, and result in stipulations. This will also lead to fewer problematic evidentiary hearings and rulings because judges will have more time to think about and consider anticipated evidentiary issues.

General District Court

Infraction/ Civil Violation

- Pre-Disposition: Add 3 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work.

Misdemeanor

- Pre-Disposition: Add 5 minutes in 1% of cases due to new restitution form requirements mandated by the General Assembly - Judges are required to ensure the completeness of the forms and additionally determine payment plan.
- Pre-Disposition: Add 5 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work.

Felony

- Pre-Disposition: Add 5 minutes in 1% of cases due to new restitution form requirements mandated by the General Assembly - Judges are required to ensure the completeness of the forms and additionally determine payment plan.

- Pre-Disposition: Add 5 minutes in 1% of cases due to new fines and costs collection requirements mandated by the General Assembly which require more involvement from the judges. Previously handled solely by the court clerks. Judges are now required to be involved in setting, revising, modifying, and approving payment plans, and to include consideration of community service work in felonies reduced to misdemeanors.

Landlord /Tenant

- Pre-Disposition: Add 5 minutes in 5% of cases to maintain emphasis on procedural due process in order to address the number of self-represented litigants and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

General Civil

- Pre-Disposition: Add 5 minutes in 5% of cases to maintain emphasis on procedural due process in order to address the number of self-represented litigants and allow for additional time to explain procedures, orders, and rulings to self-represented litigants.

Juvenile and Domestic Relations District Court

Child Dependency

- Pre-Disposition: Add 10 minutes in 50% of cases to review case history, foster care plans, and reports to ensure more informed decisions and more efficient use of time on the bench in ongoing cases; to review progress by parents; and for bench swapping in smaller jurisdictions or conflict cases (which requires familiarization with the elements of the case and its history). Dependency cases are becoming increasingly complex due to increased levels of substance abuse (opioid addiction), domestic violence, cultural differences involving immigrant families, and diversion of less complex matters by DSS.
- Disposition: Add 5 minutes in 15% of cases to prepare detailed, written findings and orders at the adjudicatory hearing to memorialize basis for findings of the case.
- Disposition: Add 10 minutes in 40% of cases for more time to hear detailed evidence on plan reviews, not only rely on foster care plan, take testimony regarding progress.

Custody and Visitation

- Pre-Disposition: Add 5 minutes in 10% of cases for more time for pre-trial conferences and status hearings; interpreters, multiple attorneys, multiple motions, self-represented litigants
- Disposition: Add 10 minutes in 10% of cases to prepare more detailed orders for litigants; better explain rationale, ensure their understanding, to increase procedural satisfaction

Adult Criminal

- Post-Disposition: Add 5 minutes in 25% of cases because all courts need to hold compliance and accountability hearings in domestic violence cases.

Protective Order

- Disposition: Add 10 minutes in 7% of cases for more trial time; more time to explain procedures to pro se litigants; occasionally protective orders involve complicated remedies [such as adjudication of custody and visitation as well as exclusive use of marital residence]; non-family abuse protective orders involving minors - time to explain order to juveniles and parents

Exhibit 3

Circuit Courts of Virginia

Felony Pending Cases as of October 01, 2021

1) Pending cases by Code Section & Locale

	Prince William	Chesterfield	Norfolk	Richmond	Henrico	Virginia Beach	Pending Total
19.2-306	1,214	1,246	1,475	1,221	1,409	1,277	7,842
18.2-250	247	401	171	442	433	569	2,263
18.2-248	160	152	121	360	143	94	1,030
18.2-53.1	188	78	238	209	73	122	908
18.2-308.2	39	67	148	260	53	95	662
18.2-95	97	87	142	103	45	108	582
18.2-58	112	53	112	86	48	73	484
18.2-51	63	33	148	97	32	73	446
18.2-32	63	34	96	92	13	31	329
18.2-111	34	26	87	28	108	14	297
18.2-308.4	22	40	26	152	17	38	295
19.2-128	71	30	51	67	18	35	272
18.2-67.3	83	36	42	19	33	51	264
18.2-57	21	45	46	74	18	55	259
18.2-172	40	13	85	34	23	62	257
18.2-91	51	26	66	62	8	29	242
18.2-178	45	14	57	41	36	32	225
18.2-374.1:1	72	19	22	31	26	38	208
18.2-248.1	34	40	22	33	20	45	194
18.2-51.6	20	12	88	22	16	34	192
18.2-61	35	24	47	22	19	22	169
18.2-67.1	29	23	36	12	23	29	152
18.2-51.2	35	8	36	30	17	25	151
18.2-48	52	13	34	21	13	7	140
18.2-371.1	9	21	53	8	21	23	135
18.2-192	22	39	30	14	8	21	134
46.2-817(B)	14	39	10	50	11	1	125
18.2-47	31	18	25	22	10	18	124
18.2-22	0	4	94	3	1	6	108
18.2-67.2	27	12	19	14	6	26	104
18.2-104	4	14	11	35	13	19	96
18.2-374.3	2	9	26	10	44	2	93
18.2-472.1	7	26	8	33	2	17	93
18.2-279	20	8	25	14	10	12	89
18.2-370.1	13	11	19	2	14	29	88
58.1-1017.1	0	3	0	0	84	0	87
18.2-137	8	11	12	23	10	21	85
58.1-1017.3	0	0	0	0	80	0	80
18.2-370	19	18	20	6	4	8	75
18.2-96	14	17	12	20	2	6	71
Others	476	402	587	384	248	666	2,763
Total	3,493	3,172	4,347	4,156	3,212	3,833	22,213

Exhibit 4

Total	<1 Year		>1 Year		Total
	14,769	38%	23,757	62%	
Prince William	1,036	36%	1,874	64%	2,910
Newport News	570	20%	2,236	80%	2,806
Virginia Beach	879	40%	1,345	60%	2,224
Chesapeake	809	45%	986	55%	1,795
Hampton	385	22%	1,392	78%	1,777
Stafford	390	24%	1,233	76%	1,623
Henrico	579	36%	1,012	64%	1,591
Loudoun	638	52%	592	48%	1,230
Chesterfield	703	63%	410	37%	1,113
Portsmouth	231	21%	880	79%	1,111
Norfolk	970	91%	99	9%	1,069
Augusta	124	13%	812	87%	936
Spotsylvania	344	40%	509	60%	853
Richmond	336	40%	502	60%	838
Albemarle	147	24%	470	76%	617
Hanover	337	56%	270	44%	607
Roanoke	223	41%	323	59%	546
Arlington	419	79%	110	21%	529
Lynchburg	142	32%	299	68%	441
York	154	36%	269	64%	423
Suffolk	187	46%	220	54%	407
Montgomery	130	34%	248	66%	378
Roanoke County	133	37%	231	63%	364
Bedford	161	48%	173	52%	334
Charlottesville	37	11%	296	89%	333
Rockingham	246	74%	86	26%	332
Washington	85	26%	243	74%	328
Halifax	79	25%	243	75%	322
Giles	68	22%	237	78%	305
Williamsburg	151	50%	152	50%	303
Tazewell	146	49%	154	51%	300
Louisa	99	39%	153	61%	252
Wythe	82	33%	168	67%	250
Wise	134	55%	110	45%	244
Prince George	49	20%	193	80%	242
Northumberland	12	5%	226	95%	238
Fauquier	117	49%	120	51%	237
Gloucester	111	51%	107	49%	218
Culpeper	108	50%	107	50%	215
Amherst	55	26%	154	74%	209
Orange	64	31%	143	69%	207
Shenandoah	63	30%	144	70%	207
Warren	92	45%	113	55%	205
Waynesboro	40	20%	162	80%	202
Mecklenburg	131	66%	67	34%	198
Scott	63	33%	129	67%	192
Buchanan	36	19%	155	81%	191
Frederick	119	63%	70	37%	189
Russell	66	35%	120	65%	186
Danville	69	38%	113	62%	182
Staunton	43	24%	136	76%	179
Caroline	56	32%	121	68%	177

	<1 Year		>1 Year		Total
Franklin County	124	71%	50	29%	174
Fredericksburg	85	52%	79	48%	164
Pulaski	76	46%	88	54%	164
Salem	49	30%	113	70%	162
Smyth	75	47%	86	53%	161
Northampton	12	8%	144	92%	156
Lee	43	28%	109	72%	152
Accomack	50	34%	98	66%	148
Pittsylvania	90	64%	51	36%	141
Rockbridge	58	42%	80	58%	138
Bristol	47	38%	78	62%	125
Isle of Wight	61	49%	64	51%	125
Greene	30	24%	93	76%	123
Brunswick	35	29%	87	71%	122
Winchester	54	45%	67	55%	121
Campbell	91	80%	23	20%	114
New Kent	29	27%	79	73%	108
Essex	25	24%	80	76%	105
Powhatan	64	61%	41	39%	105
Botetourt	53	51%	50	49%	103
Henry	72	71%	29	29%	101
Southampton	41	41%	60	59%	101
Carroll	51	52%	48	48%	99
Dickenson	45	46%	52	54%	97
Page	41	43%	54	57%	95
Prince Edward	41	43%	54	57%	95
King George	31	34%	59	66%	90
Greensville	34	38%	55	62%	89
Surry	22	25%	66	75%	88
Buckingham	18	21%	68	79%	86
Hopewell	52	60%	34	40%	86
Martinsville	15	18%	68	82%	83
Fluvanna	40	51%	38	49%	78
Goochland	37	47%	41	53%	78
Radford	31	42%	43	58%	74
Appomattox	38	52%	35	48%	73
Westmoreland	17	23%	56	77%	73
King William	21	29%	51	71%	72
Nelson	28	42%	39	58%	67
Alleghany	34	52%	32	48%	66
Dinwiddie	49	88%	7	13%	56
Charles City	8	15%	47	85%	55
Colonial Heights	33	60%	22	40%	55
Bland	17	31%	37	69%	54
Cumberland	15	29%	37	71%	52
Petersburg	44	86%	7	14%	51
Floyd	29	59%	20	41%	49
Patrick	23	47%	26	53%	49
Middlesex	21	44%	27	56%	48
Grayson	23	49%	24	51%	47
Nottoway	34	72%	13	28%	47
Amelia	23	62%	14	38%	37
Buena Vista	9	26%	25	74%	34
Lancaster	24	73%	9	27%	33
Craig	11	34%	21	66%	32

	<1 Year		>1 Year		Total
Lunenburg	6	19%	26	81%	32
Richmond County	13	43%	17	57%	30
Mathews	15	58%	11	42%	26
Clarke	19	76%	6	24%	25
Sussex	9	38%	15	63%	24
Madison	5	22%	18	78%	23
Charlotte	13	59%	9	41%	22
King & Queen	4	18%	18	82%	22
Rappahannock	4	19%	17	81%	21
Bath	7	37%	12	63%	19
Highland	3	19%	13	81%	16

Exhibit 5

Median Age to Disposition by Division, Case Type, & Locality

			<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Divorce, Reinstatements, & Custody Visitation	Norfolk	Age Dispositions	74 4,270	60 4,307	80 3,784	92 2,705	72 2,414	83 2,360	49 2,556
	Prince William	Age Dispositions	171 1,287	185 1,265	163 1,289	314 1,929	208 1,515	177 1,280	156 1,197
	Chesterfield	Age Dispositions	114 1,150	128 1,107	162 1,608	124 1,341	122 1,420	127 1,386	126 1,074
	Virginia Beach	Age Dispositions	243 1,381	254 1,203	301 1,548	240 1,348	262 1,265	335 1,278	193 980
	Richmond	Age Dispositions	106 603	115 566	135 673	168 603	136 618	156 516	133 412

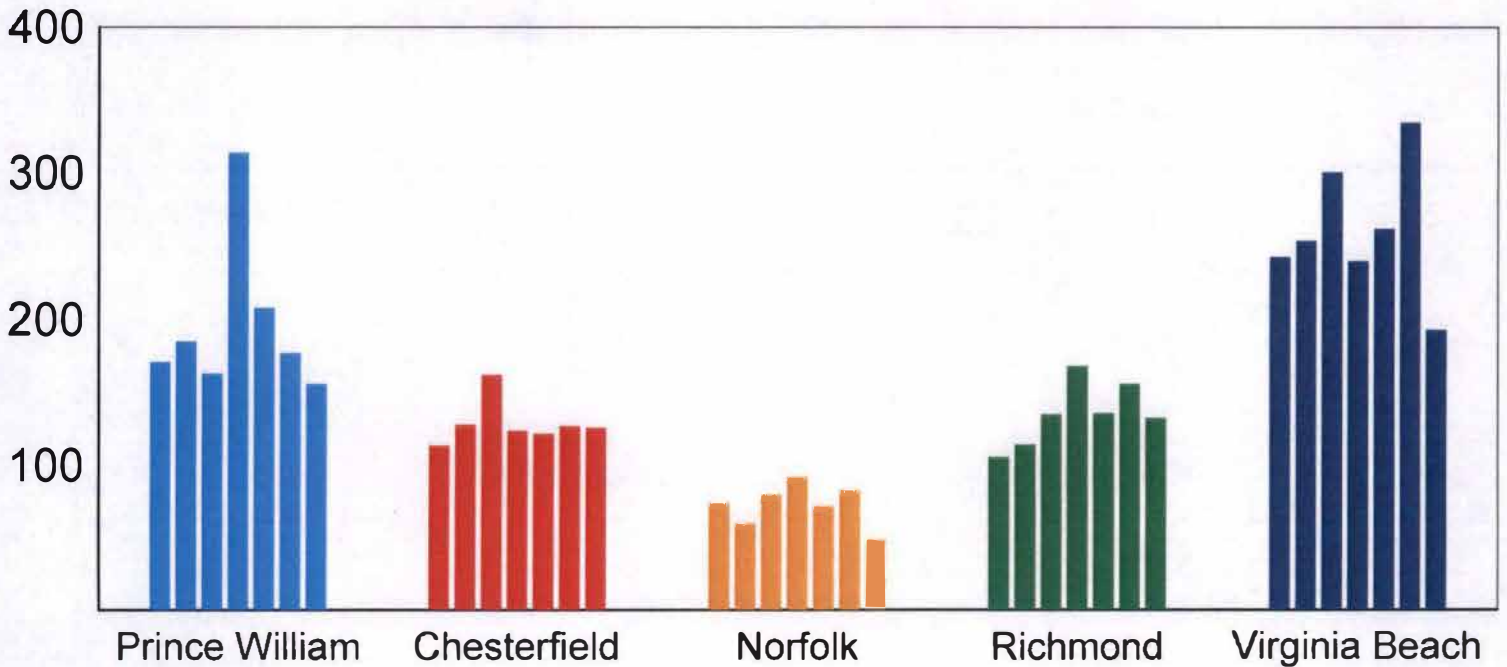


Exhibit 6

NOVEMBER 2021

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
11/1/2021	Mon	8	0	8	1	7	8	
11/2/2021	Tue	N/A	N/A	N/A	N/A	N/A	N/A	ELECTION DAY - HOLIDAY
11/3/2021	Wed	8	0	8	1	8	9	
11/4/2021	Thu	5	0	5	0	0	0	
11/8/2021	Mon	8	4	12	0	7	7	
11/9/2021	Tue	8	7	15	0	7	7	
11/10/2021	Wed	5	5	10	0	8	8	
11/11/2021	Thu	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY - VETERANS DAY
11/15/2021	Mon	10	5	15	1	7	8	
11/16/2021	Tue	10	6	16	2	6	8	
11/17/2021	Wed	7	4	11	0	7	7	
11/18/2021	Thu	2	0	2	0	0	0	
11/22/2021	Mon	6	4	10	2	7	9	
11/23/2021	Tue	6	4	10	0	6	6	
11/24/2021	Wed	0	0	0	0	0	0	ADMIN DAY
11/25/2021	Thu	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY - THANKSGIVING
11/29/2021	Mon	8	1	9	1	5	6	
11/30/2021	Tue	8	3	11	1	6	7	

Equal to or over the limit: ●

DECEMBER 2021

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
12/1/2021	Wed	9	3	12	0	7	7	
12/2/2021	Thu	5	0	5	0	0	0	
12/6/2021	Mon	11	3	14	2	5	7	
12/7/2021	Tue	11	7	18	0	7	7	
12/8/2021	Wed	6	5	11	0	8	8	The PL hearing on this date is: CL21-4911. See Cana
12/9/2021	Thu	4	0	4	0	0	0	
12/13/2021	Mon	8	6	14	1	5	6	
12/14/2021	Tue	8	8	16	1	7	8	
12/15/2021	Wed	7	4	11	0	6	6	
12/16/2021	Thu	4	0	4	0	0	0	
12/20/2021	Mon	7	2	9	0	6	6	
12/21/2021	Tue	8	3	11	0	6	6	
12/22/2021	Wed	7	1	8	1	4	5	
12/23/2021	Thu	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY
12/27/2021	Mon	0	0	0	0	0	0	ADMIN DAY
12/28/2021	Tue	0	0	0	0	0	0	ADMIN DAY
12/29/2021	Wed	0	0	0	0	0	0	ADMIN DAY
12/30/2021	Thu	0	0	0	0	0	0	ADMIN DAY

Equal to or over the limit: ●

JANUARY 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
1/3/2022	Mon	6	1	7	1	5	6	
1/4/2022	Tue	9	3	12	0	8	8	
1/5/2022	Wed	5	3	8	0	8	8	
1/6/2022	Thu	2	0	2	0	0	0	
1/10/2022	Mon	9	2	11	0	6	6	
1/11/2022	Tue	8	5	13	0	6	6	
1/12/2022	Wed	7	5	12	0	6	6	
1/13/2022	Thu	1	1	2	0	0	0	
1/17/2022	Mon	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY
1/18/2022	Tue	6	6	12	1	5	6	
1/19/2022	Wed	6	5	11	0	8	8	
1/20/2022	Thu	3	0	3	0	0	0	
1/24/2022	Mon	6	3	9	0	6	6	
1/25/2022	Tue	7	4	11	0	7	7	
1/26/2022	Wed	7	2	9	0	6	6	
1/27/2022	Thu	3	0	3	0	0	0	
1/31/2022	Mon	5	3	8	0	6	6	CL13001527-09 - MOTION LONGER THAN 30 MINS

Equal to or over the limit: ●

FEBRUARY 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
2/1/2022	Tue	5	5	10	2	4	6	
2/2/2022	Wed	6	4	10	0	6	6	
2/3/2022	Thu	2	0	2	0	0	0	
2/7/2022	Mon	5	6	11	0	6	6	
2/8/2022	Tue	5	7	12	0	7	7	
2/9/2022	Wed	8	3	11	0	7	7	
2/10/2022	Thu	3	0	3	0	0	0	
2/14/2022	Mon	5	6	11	2	3	5	
2/15/2022	Tue	5	7	12	1	6	7	
2/16/2022	Wed	9	4	13	1	7	8	
2/17/2022	Thu	6	1	7	0	0	0	
2/21/2022	Mon	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY
2/22/2022	Tue	6	4	10	1	4	5	
2/23/2022	Wed	7	5	12	1	6	7	
2/24/2022	Thu	4	1	5	0	0	0	
2/28/2022	Mon	5	3	8	1	6	7	

Equal to or over the limit: ●

MARCH 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
3/1/2022	Tue	7	4	11	0	12	12	CL21-2457 2 DAY MOTION
3/2/2022	Wed	6	4	10	0	7	7	CL21-2457 2 DAY MOTION
3/3/2022	Thu	2	1	3	0	0	0	
3/7/2022	Mon	6	5	11	0	5	5	
3/8/2022	Tue	8	3	11	0	7	7	
3/9/2022	Wed	6	3	9	0	5	5	
3/10/2022	Thu	4	0	4	0	0	0	
3/14/2022	Mon	6	4	10	0	5	5	
3/15/2022	Tue	6	5	11	0	7	7	
3/16/2022	Wed	5	5	10	0	6	6	
3/17/2022	Thu	2	1	3	0	0	0	
3/21/2022	Mon	6	2	8	0	5	5	
3/22/2022	Tue	5	5	10	0	6	6	
3/23/2022	Wed	4	5	9	0	4	4	
3/24/2022	Thu	2	1	3	0	0	0	
3/28/2022	Mon	6	6	12	1	1	2	
3/29/2022	Tue	6	6	12	1	6	7	
3/30/2022	Wed	5	6	11	0	5	5	
3/31/2022	Thu	2	2	4	0	0	0	

Equal to or over the limit: ●

APRIL 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
4/4/2022	Mon	4	5	9	0	3	3	
4/5/2022	Tue	5	6	11	0	6	6	
4/6/2022	Wed	3	5	8	0	7	7	
4/7/2022	Thu	1	2	3	0	0	0	
4/11/2022	Mon	5	3	8	0	2	2	
4/12/2022	Tue	5	6	11	0	7	7	
4/13/2022	Wed	4	5	9	0	6	6	
4/14/2022	Thu	1	0	1	0	0	0	
4/18/2022	Mon	6	3	9	0	3	3	
4/19/2022	Tue	5	6	11	0	6	6	
4/20/2022	Wed	6	6	12	0	2	2	
4/21/2022	Thu	2	1	3	0	0	0	
4/25/2022	Mon	5	6	11	1	4	5	
4/26/2022	Tue	3	7	10	1	5	6	
4/27/2022	Wed	6	3	9	0	5	5	
4/28/2022	Thu	2	1	3	0	0	0	

Equal to or over the limit: ●

MAY 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
5/2/2022	Mon	2	6	8	0	0	0	
5/3/2022	Tue	3	8	11	0	2	2	
5/4/2022	Wed	4	5	9	0	2	2	
5/5/2022	Thu	3	0	3	0	0	0	
5/9/2022	Mon	N/A	N/A	N/A	N/A	N/A	N/A	JUDICIAL CONFERENCE
5/10/2022	Tue	N/A	N/A	N/A	N/A	N/A	N/A	JUDICIAL CONFERENCE
5/11/2022	Wed	N/A	N/A	N/A	N/A	N/A	N/A	JUDICIAL CONFERENCE
5/12/2022	Thu	N/A	N/A	N/A	N/A	N/A	N/A	JUDICIAL CONFERENCE
5/16/2022	Mon	3	3	6	0	1	1	
5/17/2022	Tue	3	7	10	0	4	4	
5/18/2022	Wed	2	6	8	0	3	3	
5/19/2022	Thu	2	0	2	0	0	0	
5/23/2022	Mon	2	6	8	0	1	1	
5/24/2022	Tue	2	8	10	0	2	2	
5/25/2022	Wed	1	7	8	0	1	1	
5/26/2022	Thu	1	0	1	0	0	0	
5/30/2022	Mon	N/A	N/A	N/A	N/A	N/A	N/A	HOLIDAY - MEMORIAL DAY
5/31/2022	Tue	6	3	9	0	0	0	

Equal to or over the limit: ●

JUNE 2022

Date	Day	Criminal Jury	Civil Jury	Jury Total M-W Max 8 Th Max 3	Criminal Nonjury	Civil Nonjury	Nonjury Total Max 6	Notes
6/1/2022	Wed	6	4	10	0	1	1	
6/2/2022	Thu	4	1	5	0	0	0	
6/6/2022	Mon	2	7	9	0	0	0	
6/7/2022	Tue	2	9	11	0	1	1	
6/8/2022	Wed	1	8	9	0	1	1	
6/9/2022	Thu	0	0	0	0	0	0	
6/13/2022	Mon	4	4	8	0	0	0	
6/14/2022	Tue	4	7	11	0	2	2	
6/15/2022	Wed	2	6	8	0	2	2	
6/16/2022	Thu	1	0	1	0	0	0	
6/20/2022	Mon	3	5	8	0	0	0	
6/21/2022	Tue	3	7	10	0	0	0	
6/22/2022	Wed	2	6	8	0	0	0	
6/23/2022	Thu	0	2	2	0	0	0	
6/27/2022	Mon	3	4	7	0	0	0	
6/28/2022	Tue	3	7	10	0	0	0	
6/29/2022	Wed	2	4	6	0	0	0	
6/30/2022	Thu	1	1	2	0	0	0	

Equal to or over the limit: ●

Exhibit 7

Circuit Courts of Virginia

Felony Pending Cases as of October 01, 2021

3) Pending cases by Age Grouping

	<u>0-120</u>	<u>121-180</u>	<u>181-365</u>	<u>365+</u>	Total
Chesterfield	966 30%	383 12%	642 20%	1,181 37%	3,172
Henrico	925 29%	326 10%	618 19%	1,343 42%	3,212
Norfolk	1,038 24%	477 11%	815 19%	2,017 46%	4,347
Prince William	475 14%	261 7%	513 15%	2,244 64%	3,493
Richmond	928 22%	460 11%	910 22%	1,858 45%	4,156
Virginia Beach	1,059 28%	373 10%	733 19%	1,668 44%	3,833
Total	5,391 24%	2,280 10%	4,231 19%	10,311 46%	22,213

4) Pending cases by Age Grouping

Circuit Courts of Virginia

Felony Pending Cases as of October 01, 2021

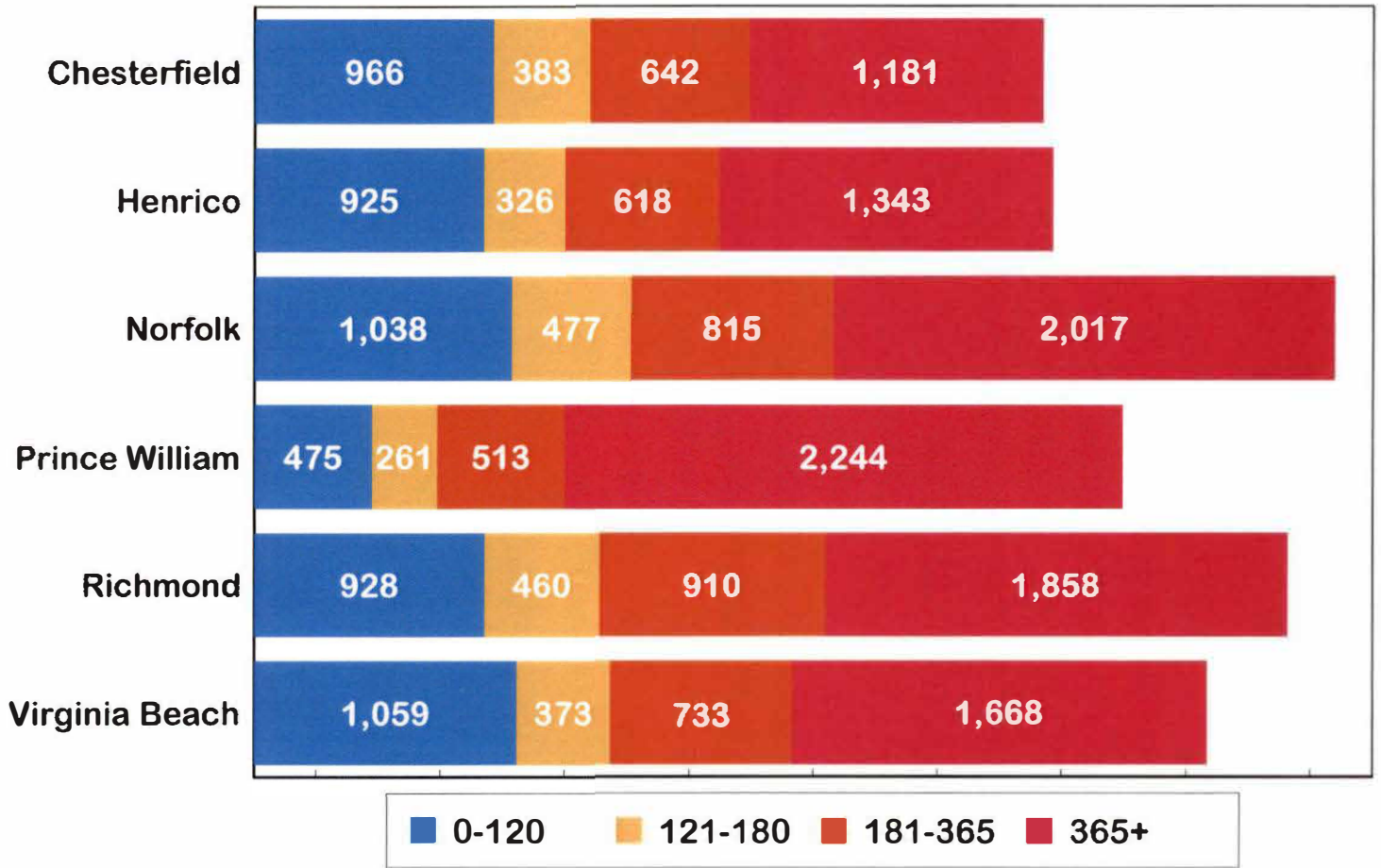


Exhibit 8

Divorce, Reinstatement, & Custody Visitation











	Count	Pending		% of Pending Over a Year
		<1 Year	>1 Year	
Chesterfield	1,113 	703	410	37% 
Norfolk	1,069 	970	99	9% 
Prince William	2,910 	1,036	1,874	64% 
Richmond	838 	336	502	60% 
Virginia Beach	2,224 	879	1,345	60% 

Exhibit 9

Circuit Courts of Virginia

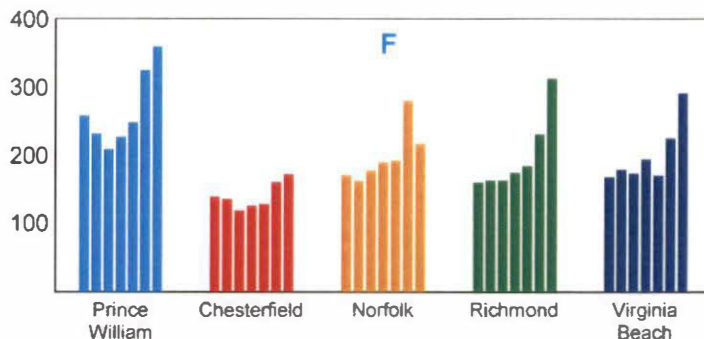
Time To Disposition (File Date to Disposition Date)

January 2015 - September 2021

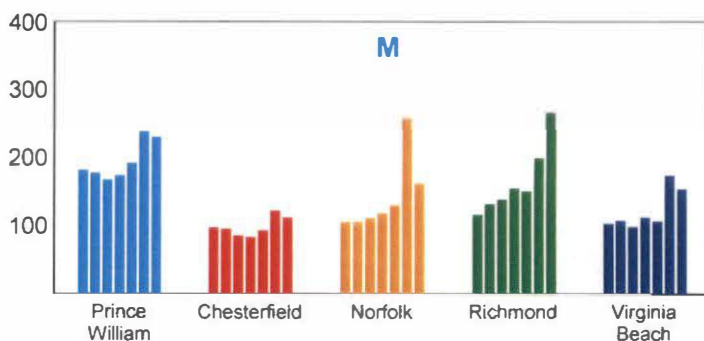
Criminal

Median Age to Disposition by Division, Case Type, & Locality

F	Felony							
	2015	2016	2017	2018	2019	2020	2021	
Chesterfield	139	136	119	126	128	161	172	
Norfolk	171	162	178	190	192	280	217	
Prince William	258	232	209	227	248	325	359	
Richmond	160	163	163	175	184	231	313	
Virginia Beach	168	179	173	194	171	225	291	



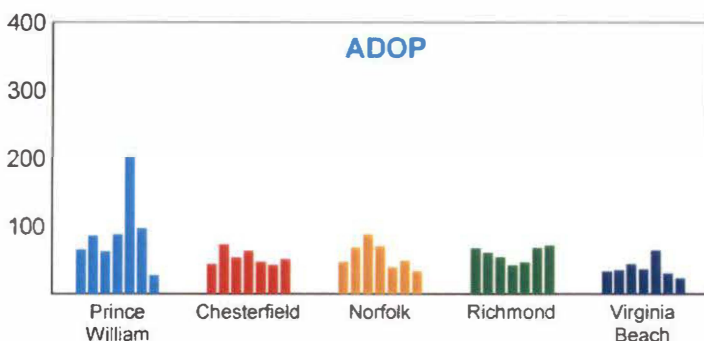
M	Misdemeanor							
	2015	2016	2017	2018	2019	2020	2021	
Chesterfield	98	96	86	84	94	123	113	
Norfolk	106	106	112	119	131	258	162	
Prince William	182	178	168	174	192	238	230	
Richmond	117	132	139	155	151	199	266	
Virginia Beach	104	108	100	113	107	174	154	



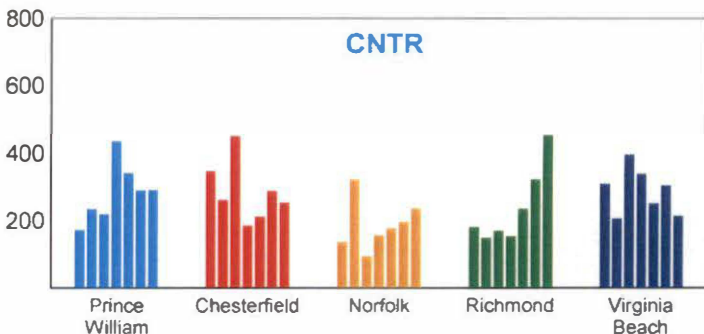
Civil

Median Age to Disposition by Division, Case Type, & Locality

ADOP	Adoption							
	2015	2016	2017	2018	2019	2020	2021	
Chesterfield	45	74	54	64	48	44	52	
Norfolk	48	70	89	71	40	50	35	
Prince William	66	86	63	88	203	97	28	
Richmond	68	61	55	43	47	69	72	
Virginia Beach	34	36	45	37	65	31	24	



CNTR	Contract Action							
	2015	2016	2017	2018	2019	2020	2021	
Chesterfield	346	261	449	186	212	287	253	
Norfolk	136	322	95	156	177	196	237	
Prince William	172	234	219	434	340	289	290	
Richmond	181	149	170	154	236	322	452	
Virginia Beach	309	206	395	338	251	305	214	



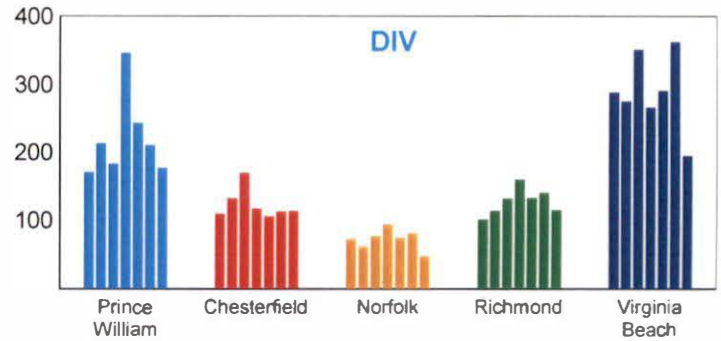
Circuit Courts of Virginia

Time To Disposition (File Date to Disposition Date)
January 2015 - September 2021

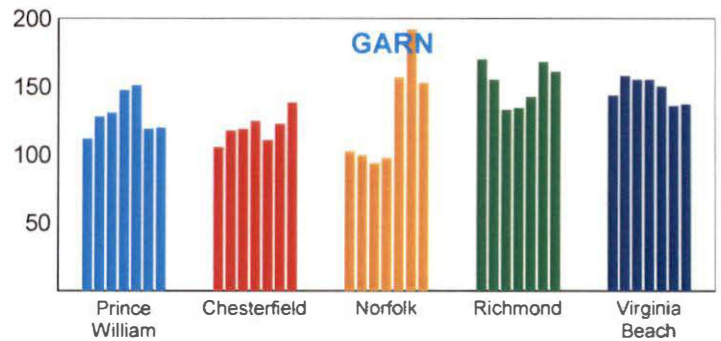
Civil

Median Age to Disposition by Division, Case Type, & Locality

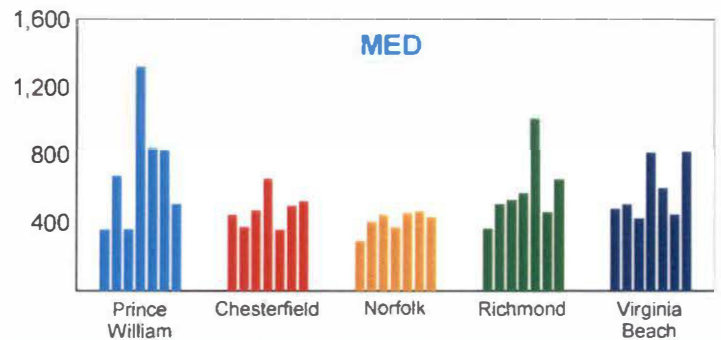
DIV	Divorce						
	2015	2016	2017	2018	2019	2020	2021
Chesterfield	110	133	170	117	106	113	114
Norfolk	73	62	77	95	75	81	48
Prince William	171	214	183	347	244	211	177
Richmond	101	114	132	160	133	141	115
Virginia Beach	289	275	351	267	291	363	195



GARN	Garnishment						
	2015	2016	2017	2018	2019	2020	2021
Chesterfield	106	118	119	125	111	123	139
Norfolk	103	100	94	98	157	192	153
Prince William	112	128	131	148	151	119	120
Richmond	170	155	133	135	143	168	161
Virginia Beach	144	158	155	155	150	136	137



MED	Medical Malpractice						
	2015	2016	2017	2018	2019	2020	2021
Chesterfield	449	378	476	662	362	504	531
Norfolk	296	410	451	377	461	473	437
Prince William	363	676	365	1,320	840	829	512
Richmond	369	512	535	576	1,017	465	658
Virginia Beach	486	512	429	817	607	450	821



MV	Motor Vehicle						
	2015	2016	2017	2018	2019	2020	2021
Chesterfield	363	363	364	362	347	309	422
Norfolk	250	347	318	287	300	329	381
Prince William	392	412	374	510	450	462	543
Richmond	378	372	424	417	413	403	469
Virginia Beach	375	388	351	435	410	414	409

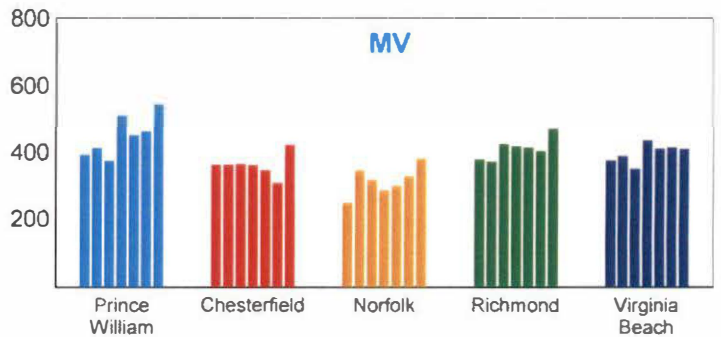


Exhibit 10



Circuit Court Clerk

Prince William, Manassas & Manassas Park

9311 Lee Avenue, Third Floor, Manassas, Virginia 20110

<https://www.pwcgov.org/government/courts/circuit>

(703) 792-6015 circuitcourt@pwcgov.org

Jacqueline C. Smith, Circuit Court Clerk

Kristina L. Gleason, Chief Deputy Clerk

October 15, 2021

Virginia Committee on Circuit Courts
c/o Karl Hade, Executive Secretary
Supreme Court of Virginia
100 North Ninth Street, Third Floor
Richmond, Virginia 23219

Re: Request for Additional Judgeship in the 31st Judicial Circuit
Meeting of the Virginia Committee on Circuit Courts, Tuesday, October 19, 2021

Honorable Committee Members:

Thank you for allowing me the opportunity to share my thoughts on our jurisdiction's request for an additional judgeship. I was elected as Clerk of the Circuit Court by the people of Prince William, Manassas and Manassas Park in 2017. Prior to that, I practiced law throughout Northern Virginia for ten (10) years. As an attorney and as Clerk, I have experienced and observed the qualities of our jurisdiction which are unique among our peers. Additionally, since the completion of the 2017 workload assessment, I have witnessed changes in our population and access to justice which have impacted our court profoundly. These factors have created a disproportionate impact on our jurisdiction that was not and will not be taken into account when performing a workload assessment. For these reasons, I ask for a reevaluation of the number of judges required by our jurisdiction taking into consideration the following.

Case Length Incongruity

I understand that part of workload analysis is to "weight" a given case type. Specifically, data is collected to determine the average amount of time a given case type requires in the Commonwealth. While this analysis is logical, it creates a vastly incongruous representation of our jurisdiction's data in many cases.

Based on 2020 census data, our jurisdiction is the number one most diverse in the Commonwealth and the tenth most diverse in the United States. More than one-third of our residents speak a language other than English as their primary language making language interpreters a necessary part of our daily operation. Interpreters are in such high demand that we have resorted to redirecting interpreters away from the lower courts on at least a weekly basis in order to satisfy constitutional guarantees.

Our Commonwealth's Attorney and Public Defender have resorted to using non-certified interpreters to communicate with their witnesses and parties outside the courtroom because we simply do not have enough court certified interpreters to satisfy the demand which is about four times that of the statewide average. The use of even one interpreter slows courtroom process dramatically. In cases where our Plaintiff or Defendant is not a native English speaker, we must use two or more interpreters, exacerbating the additional amount of time needed to adjudicate most cases. As a result, we see average in-court case time that is significantly greater than that allowed under the "weighted" workload assessment.

In addition to our ethnic and racial diversity, our jurisdiction also has a high population of military personnel and our jurisdiction's median income is \$107,132 (31% higher than the statewide figure). These factors create particularly complex family litigation when compared with most other jurisdictions. A contested divorce trial in our jurisdiction takes a minimum of three days and frequently moves beyond a week. By contrast, the "weighted" workload assessment allows only 3 hours, a difference in time required versus time allowed of at least 400%.

Our jurisdiction also contains the most traveled corridors in the Commonwealth. Route 66 and Interstate 95 are continually being expanded in our jurisdiction. This results in hundreds of millions of dollars in condemnation proceedings involving numerous individuals, corporations, and government entities. Whereas the "weighted" workload assessment allows our jurisdiction only 38 minutes for such a case, the actual in-court time required for adjudication is estimated to be 300% higher than the time allowed.

Dramatic Increase in Criminal Jury Trial Rate

In 2019, our Honorable Commonwealth's Attorney retired after more than fifty years in his role as prosecutor. The following year, our jurisdiction formed a Public Defender's Office. These two changes have resulted in a dramatic increase in our time allotted to criminal juries. Prior to 2019, it was rare for a criminal case to be tried by a jury. By contrast, our current rate of criminal cases set for jury trial in Circuit Court is 50%. Without a change in resources, it is likely this shift will result in a backlog of civil cases as constitutional considerations will cause criminal cases to be prioritized. This backlog will only grow year upon year.

In light of the foregoing considerations which impact the functioning of our court on a daily basis, I ask the Committee to reevaluate the number of judges required by our jurisdiction. Please do not hesitate to contact me if I can be of any assistance in doing so.

Sincerely yours,



Jacqueline C. Smith

Exhibit 11



October 15, 2021

Karl Hade
Executive Secretary
Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, Virginia 23219

Re: Urgent need for 7th Judge in 31st Judicial Circuit

Dear Mr. Hade:

I write to urge the Supreme Court to act favorably on our Request for Authorization of a 7th Circuit Court judge for the 31st Judicial Circuit. I have practiced law within the 31st Circuit for 28 years, serving 11 years as a substitute judge for the District Courts, and I am the immediate Past President of the Prince William County Bar Association. While my trial practice is regional and encompasses Northern and Central Virginia, a majority of my cases, both civil and criminal, occurred within Prince William County. I am currently the Chief Public Defender for the Circuit, heading an office of 24 lawyers established in June 2020. As the founding hire for the office, I have had a bird's-eye view of the changes wrought in the State of Virginia's second largest county with the advent of the Public Defender (OPD) taking over representation of 60-70% of indigent defendants within the Circuit. My experience with various courts across a broad spectrum of jurisdictions across almost three decades, along with my particular experience within the 31st Circuit, make me particularly well-situated to speak to the urgent need for an additional judge for the Prince William Circuit Court.

The creation of the Prince William Public Defender has significantly improved the quality of criminal defense work in the Circuit, for both indigent and non-indigent persons, but it has come at a high cost in time for the Judges of our courts. Prior to the advent of the Public Defender, an insignificant number of criminal cases were taken to trial on every level of court. Given the mission of the Virginia Indigent Defense Commission, that approach has changed since the OPD began taking cases roughly a year ago. While the evidence is somewhat clouded by the dislocations caused by COVID-19, data collected by our office in the last year indicates that average time spent in court on each Circuit Court case handled by our office and resulting in a plea averages 3.5 hours per case.¹ For jury trials, that number ranges between 52 hours in-court for a non-life offense set for three days of jury trial, to 148 hours in-court for a life-eligible

¹ OPD data collection conventions identify a case as a cluster of related charges for a single client. On average, each case for a given client encompasses slightly less than two charges.



offense that spanned nine days. For cases involving non-native English speakers, those numbers are significantly higher.²

In the coming 6 months, my office alone has 10 jury trials set for a length of four or more days, more than a dozen set for three days and another dozen set for 1 or 2-day jury trials. The availability of judge sentencing after a trial by jury has added to the move toward jury trials, but in my experience most skilled criminal trial attorneys chose jury trials for most triable cases even before this legislative change. While not all of the cases currently set for jury trial by the OPD will ultimately result in a jury trial, all of them will require extensive in-court motions practice leading up to final resolution, which very frequently comes within a week of the trial date. This level of demand on the Court's time, for Constitutionally protected litigation in cases involving a liberty interest, is a sea change for Prince William County.

The increased demand on the Court's time due to the increase in criminal litigation, including jury trials, has significantly hampered the Court's ability to provide swift access to justice in other areas. As Bar President until December 2020, I acted as Bar liaison to our Judges and routinely fielded queries about how the Court could adjust its dockets and calendar control to speed up the handling of cases. In response, the Court adjusted and expanded its dockets in many effective ways, but the relentless press of cases continues. Civil cases, particularly in the Domestic Relations field, frequently take second place to criminal cases that often involve incarcerated individuals. Getting simple civil motions heard requires that judges remain on the Bench far longer each week than good practice would dictate. Additional capacity for effective and innovative movement of cases through the Circuit Court, like a calendar control docket and institution of a Drug Court docket, have become extremely difficult and sometimes impossible to implement because the time of the Circuit Court judges is simply stretched to the limit.

Finally, in looking forward to the next 12 months, these pressures will increase by orders of magnitude. I expect the OPD case load to grow significantly over the next year, increasing the time pressure we place on the Court. Since January, the OPD has faced such rapidly increasing caseload demands that we have had to pause the acceptance of cases for weeks at a time, including in Circuit Court. Setting cases within speedy trial has become increasingly difficult and has forced a balancing act between attorney and court schedules and genuinely client-centered representation; this challenge only becomes more difficult as caseloads grow. As the County transitions to the OPD representing all non-conflict indigent defendants, and as our motions-driven approach to trial practice becomes the norm, other defense attorneys have begun to follow suit. As has happened in other jurisdictions with Public Defender offices, the court-appointed and private bars will of necessity begin to litigate their cases more zealously, further making demand on the Court's time. The Court is at a serious breaking point today, but the pressure will

² Currently, roughly 10% of OPD clients are non-English speakers and require the services of an interpreter in Court. Interpreter cases routinely increase time spent in court by 35-50%.



VIRGINIA DEFENDERS

INDIGENT DEFENSE COMMISSION

inevitably build in the months to come. It is untenable, it results in patent unfairness to the users of our Circuit Court system, and the residents of Prince William County deserve better.

I would respectfully ask that you grant the Request for Authorization of a 7th Circuit Court judge for the 31st Judicial Circuit.

Respectfully yours,

Tracey A. Lenox, Esq.,

Chief Public Defender

Exhibit 12



Prince William County Bar Association, Inc.

P.O. Box 31, Manassas, Virginia 20108

Tel (703) 393-8865 • Fax (703) 331-5683 • Email executivedirector@pwcba.org • www.pwcba.org

October 15, 2021

2021
Officers and
Directors

Donna Dougherty
President
donna@northvalaw.com

William D. Wides
President Elect
wides@manassaslaw.com

Tracey A. Lenox
Past President
rlenox@vadefenders.org

Anna Bristle
Secretary
anna@bristlelaw.com

Justin M. Hargrove
Treasurer
jstinn@hargrovelegal.com

Caroline Lochabay
Director 2020-2021
clochabay@pwcgov.org

Kathleen L. Farrell
Director 2019-2023
kfarrell@farrellandcraft.com

Azadeh A. Malek
Director 2020-2024
amalek@crslaw.net

Mark Branca
Director 2021-2025
mark@theherringlawfirm.com

Maryse C. Allen
Bar Council Rep.
2019-2022
mcaallen@compounding.com

Alissa N. Hudson
Executive Director
(703) 393-8865

Karl Hade
Executive Secretary
Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street
Richmond, Virginia 23219

Re: Prince William Circuit Court -- Request for Authorization for Additional Judge

Dear Mr. Hade:

As co-chairpersons of the Prince William County Bar Association's (PWCBA) Family Law Committee, we are writing to support Chief Judge Kimberly Irving's Request for Authorization for an Additional Judge for the Prince William Circuit Court. Family law cases comprise a significant portion of the Circuit Court docket and over the past two years family law attorneys have had more and more difficulty obtaining motions and trial dates timely.

The 2017 Virginia Judicial Workload Assessment attributes a weighted caseload of 95 minutes of the court's time per contested divorce case. As family law practitioners of many years, we can attest to the fact that the nature of family law cases in Prince William County is such that a contested case taken all the way to trial is likely to take multiple days of the court's time.

Currently the Prince William County Circuit Court has 2910 pending family law cases – 1036 of which were filed just this year. On top of these cases, 64% of pending felony cases and 65% of pending civil cases are over a year old. Consequently, multi-day civil non-jury trials – which defines most contested divorce and custody cases -- are not being scheduled before April 2022.

Furthermore, in order to avoid wasted time on the docket when the court is informed at the last minute of a settlement, the court overbooks trial dates and on occasion a case must be continued because it is a "hold" case and the anticipated opening has not occurred. This increases the already considerable expense of a fully litigated family law case which may have business valuation experts, physicians and custody evaluators waiting to testify.

For these and the reasons in the other letters of support authored by our Bar's President, Donna Dougherty, and our immediate Past President and Chief Public Defender, Tracey A. Lenox, we respectfully request that a seventh judge be appointed to the Prince William County Circuit Court.

Thank you for your consideration. Please contact us in the event you have any questions.

Respectfully,

Maryse C. Allen

Cassandra Chin

PWCBA FAMILY LAW COMMITTEE CO-CHAIRPERSONS

Exhibit 13



OFFICE OF THE
COMMONWEALTH'S ATTORNEY

AMY ASHWORTH
COMMONWEALTH'S ATTORNEY

JUDICIAL CENTER
9311 Lee Avenue, Suite 200
MANASSAS, VIRGINIA 20110

Phone: (703)792-6050
Email: CWOffice@pwcgov.org

October 15, 2021

Chief Judge Kimberly A. Irving
Prince William County Circuit Court
9311 Lee Avenue, 3rd Floor
Manassas, VA 20110

Re: Request for 7th Circuit Court Judge

Dear Judge Irving:

The Commonwealth's Attorney's Office supports your request for an additional Circuit Court Judge. As we have discussed, the changes brought about since January 2020 in this jurisdiction have had a tremendous impact on the administration of justice and while I am proud to lead many of these changes on behalf of this Office, I recognize that the impact on the Court's workload is profound.

Primarily, I instituted many changes to improve the fair and equitable administration of justice in our jurisdiction which included stopping the practice of certifying all charges to the Circuit Court to be ultimately reduced or nolle prossed. As you are aware, the formula that determines this Office's funding from the state Compensation Board is based on the number of cases that are certified to Circuit Court and the number of felony sentencing events. This formula created a perverse incentive for prosecutors to certify felonies to Circuit Court knowing they would be nolle prossed or reduced. I view this policy as an injustice to people whose cases did not warrant felony prosecution. This change in policy has reduced the number of cases being certified to Circuit Court; however the cases that are certified will likely remain as felonies and without the perceived threat of jury sentencing, will likely be tried to a jury instead of a bench trial which increases the amount of time for each case.

The addition of the Office of Public Defender's office and the Drug Court are also changes that will or have increased the workload of both the Circuit Court and this Office. Please let me know if you need any additional information. I remain,

Very truly yours,

Amy Ashworth

Exhibit 14



Prince William County Bar Association, Inc.

P.O. Box 31, Manassas, Virginia 20108

Tel (703) 393-8865 • Fax (703) 331-5683 • Email executivedirector@pwcba.org • www.pwcba.org

2021
Officers and
Directors

Donna Dougherty
President
donna@northvalaw.com

William D. Wides
President Elect
wides@manassaslaw.com

Tracey A. Lenox
Past President
tlenox@vadefenders.org

Anna Bristle
Secretary
anna@bristlelaw.com

Justin M. Hargrove
Treasurer
justin@hargrovelegal.com

Caroline Lochabay
Director 2020-2021
clochabay@pwcgov.org

Kathleen L. Farrell
Director 2019-2023
kfarrell@farrellandcroft.com

Azadeh A. Malek
Director 2020-2024
amalek@crslegal.net

Mark Branca
Director 2021-2025
mark@theirvinglawfirm.com

Maryse C. Allen
Bar Council Rep.
2019-2022
mcallen@comptondueling.com

Alissa N. Hudson
Executive Director
(703) 393-8865

Karl Hade
Executive Secretary
Office of the Executive Secretary
Supreme Court of Virginia

100 North Ninth Street
Richmond, Virginia 23219

Re: Letter of Support for
31st Judicial Circuit – Prince William Circuit Court
Request for Authorization for Additional Judge

Dear Mr. Hade:

On behalf of the Prince William County Bar Association (PWCBA), we, the Prince William County Bar Association Board, write in support of the Request for Authorization for an Additional Judge by our Prince William Circuit Court (PWCC). The PWCBA is comprised of almost 500 members throughout Northern Virginia and is one of the largest local bar associations in the Commonwealth of Virginia. Our members regularly practice in PWCC, and the PWCBA enjoys a close relationship with the Bench. Through these ties, we regularly experience the challenges facing our local Bench, which manages one of the larger caseloads within the Commonwealth. We are intimately familiar with our jurisdiction's complex and evolving caseload. Consequently, we are confident that our Bench is in urgent need of an additional seat.

Prince William County is experiencing consistent positive population growth. The 2020 census showed that 542,000 people live in Prince William and the cities of Manassas and Manassas Park, a 19.4% increase from 2010. Prince William is the second most populous local jurisdiction in the Commonwealth, and the county experienced the fifth highest growth rate in the state from 2010-2020, exceeded only by Loudoun, New Kent, Stafford, and Prince George counties.

As Prince William's population increases, so does the caseload administered by our Circuit Court. In 2015, Prince William was awarded a sixth judge due to need and case volume. However, with six judges, the PWCC Bench cannot reasonably hear and resolve cases in the manner guaranteeing access to justice to residents of Prince William.

The reasons for this authorization request are manifold. First, Prince William has fewer judges than comparable jurisdictions with similar criminal caseloads. Virginia Beach, the jurisdiction nearest to Prince William in population size, has seven circuit-level judges. Norfolk City has less than half the population of Prince William yet it has eight judges. These jurisdictions have criminal caseloads similar to Prince William, but they undoubtedly possess advantages in hearing these caseloads efficiently thanks to the larger size of their respective benches.

Second, Prince William is currently facing substantial delays in concluding cases. As of Oct. 1, 2021, 64% of felony pending cases and 65% of civil cases in Prince William have been pending for longer than a year. Only 14% of felony pending cases are younger than 120 days. Multiple severe felony charges, including 18.2-95 (Grand Larceny) and 18.2-58 (Robbery), are associated with even longer delays in our jurisdiction; for example, 74% of robberies in PWCC have been pending for longer than a year, more than double the frequency seen in comparable jurisdictions. Furthermore, the types of cases seen in PWCC differ from those in other parts of the Commonwealth. For instance, Prince William regularly hears challenging gang-related criminal cases, more so than other jurisdictions, and these cases necessitate especially significant resources from the Bench.

These delays have resulted in an unprecedented backlog of cases, and at its current state, PWCC cannot schedule multi-day civil non-jury trials until April 2022. Multi-day criminal trials cannot be scheduled until July 2022, and multi-day civil jury trials are pushed back until August 2022. Despite this delay in scheduling, the Court dockets fifteen or more trials each day with the hope that more than half will settle.

Prince William cannot credibly claim to provide access to justice when parties are asked to wait upwards of 10 months for a hearing. However, with only six judges, we are unable to schedule them earlier. PWCC judges already regularly spend more than 30 hours a week on the Bench to manage existing cases on the docket. While this schedule undermines the judiciary's swiftness, it also reduces judges' availability to prepare for hearings and writing rulings, to which Prince William residents have an entitlement.

Importantly, the data shows that PWCC judges are highly productive in concluding cases. Specifically, PWCC judges concluded the highest percentage (63%) of felony cases within similar jurisdictions. However, in that same time frame, PWCC has the highest percentage (64%) pending felony cases. Therefore, an additional judgeship is a crucial to provide equity and accessibility within Prince William County.

Additionally, in 2020, Prince William's Public Defender's Office opened. The goal of this office is to provide representation to underserved defendants. To that end, the criminal motions and litigation has increased. The number of attorneys in the Commonwealth Attorney's office has increased. Both the Commonwealth Attorney's office and the Public Defender continue to demonstrate a need to increase their staffing. However, the Court size has stayed the same.

Further, the uptick in criminal cases and litigation has significant spillover effects on civil cases. Specifically, family law matters are now taking upwards of 18 months to be resolved. The result is that custody and visitation cases are lingering, and children are being left in situations that are not in their best interests. Prince William County residents are unable to equitably distribute their assets.

Worst of all, due to the PWCC's need to overbook dockets, PWCC is known as the jurisdiction where you can often plan on a continuance and/or to appear for trial but no judge will be available. Often, attorneys and parties plan for trial only to appear on the day of trial and be turned away due to no Courtroom being available. These continuances cost significant attorney fees, not to mention witnesses and parties missing work and being unavailable to care for children or family members.

For these reasons, we respectfully request that PWCC be authorized for an additional judgeship as a seventh judge is necessary to provide the access to justice that Prince William residents deserve.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Dougherty', written in a cursive style.

Donna Dougherty, Esq.
PWCBA President on behalf of
PWC Bar Association Officers and Directors