

# SUPREME COURT OF VIRGINIA

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December 15, 2025

The Honorable Scott Surovell, Chair  
Courts of Justice Committee  
Senate of Virginia  
P. O. Box 396  
Richmond, VA 23218

The Honorable Patrick A. Hope, Chair  
Courts of Justice Committee  
Virginia House of Delegates  
P.O. Box 406  
Richmond, VA 23218

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

Dear Chairs Surovell and Hope, 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.

At the May 6, 2025 meeting of the Judicial Council, the Council approved recommending the authorization of one additional judgeship each in the Twentieth Judicial Circuit and the Twenty-Seventh Judicial Circuit.

Please find enclosed the materials presented to the Judicial Council for their consideration of the approved recommendations. Also enclosed, please find a report of current and announced authorized judicial vacancies in the district and circuit courts as of December 12, 2025.

Report pursuant to Virginia Code § 17.1-507  
December 15, 2025  
Page Two

With best wishes, I am,

Very truly yours,

Handwritten signature of Karl R. Hade in black ink.

Karl R. Hade

KRH:jrs  
Enclosures



## Judicial Services

Office of the Executive Secretary  
Supreme Court of Virginia

### Report on the 20th Judicial Circuit Operations: Evaluation of the Request for Judgeships

April 21, 2025

#### Introduction and Purpose of the Report

On October 22, 2024, the judges of the 20th Judicial Circuit presented a request for three additional judgeships to the Judicial Council. The 2024 Judicial Workload Study, completed by the National Center for State Courts (NCSC) does not support the addition of any new judgeships for the 20th Judicial Circuit. Chief Justice Goodwyn, Chair of the Judicial Council, appointed a Subcommittee of council members to evaluate the 20th Judicial Circuit's request and to submit a report by December 10, 2024. Upon receipt of the Subcommittee's report, which recommended one additional judgeship for the 20th Judicial Circuit, Chief Justice Goodwyn requested the Office of the Executive Secretary (OES) examine the workload and operating procedures of the 20th Judicial Circuit and provide a report to Judicial Council for consideration at the spring 2025 meeting.

At the request of the Executive Secretary, representatives from the Department of Judicial Services (DJS) were tasked with analyzing current workload data within the 20th Judicial Circuit. This effort included gathering and reviewing supplemental information from the court clerks' offices, as well as conducting site visits to meet with judges, clerks, and court personnel from each jurisdiction, in order to gain a comprehensive understanding of local operating practices.

Norma Gates, Manager of the Court Performance and Statistical Services Division, Jaime Pierce, Manager of the Circuit Court Services Team, and Rhonda Gardner, Assistant Director of the Department of Judicial Services, conducted site visits to three courts of the 20<sup>th</sup> Judicial Circuit: Loudoun County Circuit Court on March 28<sup>th</sup>, Rappahannock County Circuit Court and Fauquier County Circuit Court on April 1<sup>st</sup>. The following report presents an objective assessment of the court's civil and criminal policies and practices, with a focus on factors influencing judicial workload and overall court efficiency.

This report includes the following attachments specific to the 20<sup>th</sup> Judicial Circuit:

- **Attachment A:**
  - NCSC Virginia Judicial Workload Assessment Final Report (2021-2023 Caseload Data) – Statewide Circuit Summary
- **Attachment B:**
  - OES Judicial Workload Report (2022-2024 Caseload Data) – Statewide Summary; 20<sup>th</sup> Judicial Circuit Summary
- **Attachment C:**
  - NCSC Follow-up Evaluation of Judicial Workload (March 2025) – Focus: 20<sup>th</sup> and 31<sup>st</sup> Judicial Circuits
- **Attachment D:**
  - Judicial Workload using Circuit-level Case Weights

### **Overview of the Request from the Judges in the 20th Judicial Circuit**

The judges in the 20th Judicial Circuit presented the argument to Judicial Council that the workload and population have increased in the circuit over the past several years, necessitating the appointment of three additional judges. They further stated that the lack of statewide uniformity in case processing across the Commonwealth's circuits contributed to the unfavorable results and recommendations for the 20th Circuit in both the studies and in other analyses.

### **Department of Judicial Services (DJS) Court Visits, Data Review and Examination of Operating Procedures in the 20th Judicial Circuit to Include Loudoun, Rappahannock, and Fauquier Counties**

#### **Loudoun County Circuit Court**

On March 28, 2025, DJS staff met with Judges Plowman and Snow and Clerk Clemens in the Loudoun County Circuit Court during the court visit. Staff from the civil and criminal divisions were also present to answer questions about processing. DJS found the following information to be relevant to the discussion regarding workload for judges:

1) At the end of 2023, the court made a significant change by separating custody and visitation (CV) matters from equitable distribution (ED) in divorce proceedings. This adjustment was implemented at the request of the local bar, as the previous process usually required a four-day hearing for all matters and was taking too long to set on the court's docket. The judges' scheduling staff indicate they are currently scheduling



Figure 1

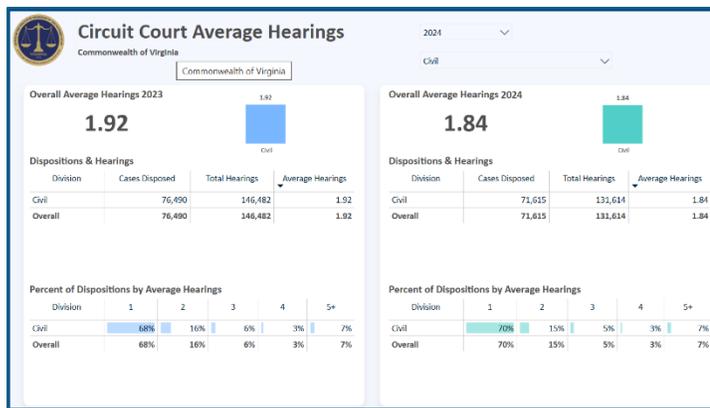


Figure 2

the ED cases in late 2026. However, the bifurcation of these case issues has other workload effects, and the discrepancy is evident in the court's data, where the average number of hearings per civil case in this court (Figure 1) is nearly twice that of the state average (Figure 2). In addition, the

court's clearance rate for civil cases—defined as the number of dispositions as a percentage of filings—fell below 100% in 2024 (Figure 3).

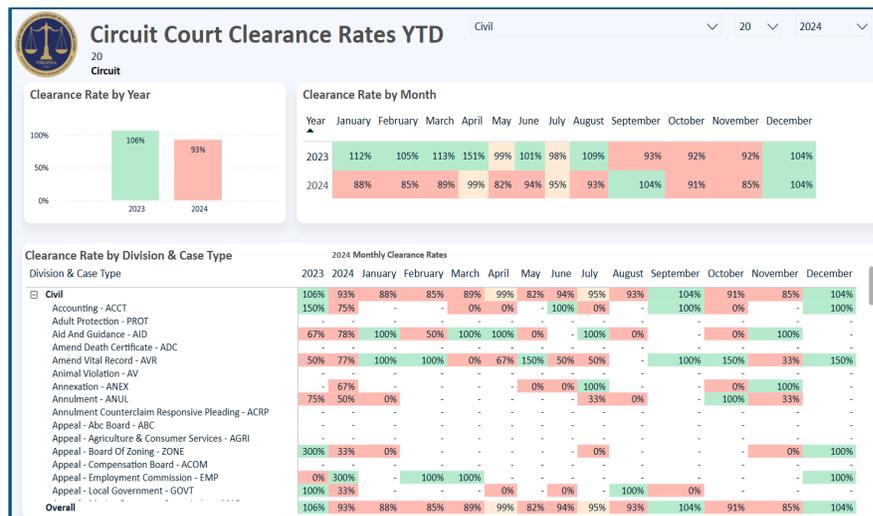


Figure 3

A clearance rate below 100% indicates that the court is not keeping pace with incoming cases and is beginning to accumulate a backlog. This bifurcation of cases is not recommended and leads to overinflation of case counts. The National Center's report included 2021-2023 workload data so the study's results were not impacted by this change.

- 2) In review of other case entry operating processes, it was determined that the court is not setting up cases pursuant to recommended case processing procedures:
  - a) The clerk's office does not enter crossclaims, counterclaims, intervenors and third-party claims as subsequent actions, as recommended.
  - b) The court does not enter capiases and motions for show cause separately from the underlying case, as recommended.

DJS calculated the number of cases Loudoun Circuit Court are undercounting as a result of this practice, and included in the workload analysis, however, the additional case filings did not significantly change the number of judges needed in the circuit.

- 3) Court staff reported an increase in the number of pro se litigants and noted that hearings involving these individuals typically take longer to complete. In civil cases, pro se litigants are responsible for preparing and submitting their own court orders. Staff indicated that this requirement contributes to delays in case finalization, which in turn negatively affects the court's clearance rates for these case types.
- 4) The clerk stated that the judges handle the Concealed Handgun Permit (CHP) applications.
- 5) Judges noted that the decrease in criminal cases filed is partly due to the charging practices of the recently elected Commonwealth's Attorney.
- 6) Judges do not use remote hearing technology for case hearings.
- 7) Judges Snow and Plowman reported that they, along with their colleagues, frequently remain in chambers late into the evening on weekdays. They attributed these extended hours to the demands of completing daily dockets and preparing for subsequent court proceedings. Additionally, judges assigned to travel to Fauquier and Rappahannock Counties experience further challenges, as travel time limits

their ability to adequately prepare for the following day's docket, contributing to an increased workload burden.

- 8) The court demonstrates several effective practices that promote efficiency and judicial control over case management:
  - a. The court publishes its calendar and related policies online, ensuring public accessibility and transparency.
  - b. Although the court does not have a formal continuance policy, the overall continuance rate remains low, indicating that most cases proceed as scheduled.
  - c. Judges reported that they consistently hold attorneys to the time allotted for hearings, reinforcing predictability and time management.
  - d. During the COVID-19 pandemic, the court implemented a Phone Scheduling system, which successfully freed up docket space for additional scheduling needs.
  - e. Judicial staff conduct weekly docket reviews to ensure that settled cases are removed, allowing that time to be reallocated for newly filed matters. Adjustments to the docket are made based on case filings and caseload trends identified during these reviews.
  - f. Scheduling authority for criminal felony and misdemeanor cases resides with the judicial staff, not the Commonwealth's Attorney's Office, enhancing court oversight of the criminal docket.
  - g. Regarding jury trials, court staff reported that 6 to 8 trials are typically scheduled (or "stacked") at a time, a practice the Department of Judicial Services (DJS) considers to be reasonable and efficient.

### **Rappahannock County Circuit Court**

On April 1, Department of Judicial Services (DJS) staff met with Clerk Struckman of the Rappahannock County Circuit Court. The following information was identified as relevant to the assessment of judicial workload within the 20th Judicial Circuit:

1. Case data indicates an average of four to five hearings per civil case.
2. The Clerk reported that court is held five days per month and is typically presided over by substitute judges approximately 75% of the time, as there is no resident judge assigned to the county.

3. The Clerk noted that criminal defendants frequently remain in custody for up to two weeks prior to arraignment and added that arraignment hearings are not conducted by the lower court when circuit court judges are unavailable. Virginia Code § 19.2-158 provides, “[i]f the court not of record sits on a day prior to the scheduled sitting of the court which issued process, the person shall be brought before the court not of record.”
4. Clearance rates for 2024 for both criminal and civil cases are low, and at the time of the DJS site visit, the continuance rate was 31%.
5. According to the Clerk, the Commonwealth’s Attorney (CA) controls the scheduling of criminal cases and pursues indictments on all charges.
6. The following local practices were also noted:
  - a. Grand Jury convenes every other month.
  - b. The court does not conduct a docket call; instead, cases are set by praecipe.
  - c. A civil motions rule is in effect, and civil motion day is held on the third Friday of each month.
  - d. Capiases and show cause orders are entered into the case management system as subsequent actions.
  - e. Probation violation matters are also entered as subsequent actions.
  - f. Crossclaims, counterclaims, intervenors, and third-party claims are entered as subsequent actions.
  - g. The court routinely dismisses inactive cases pursuant to the three-year rule.

### **Fauquier County Circuit Court**

On April 1, Department of Judicial Services (DJS) staff met with Clerk Barb of the Fauquier County Circuit Court. The following information was identified as relevant to the ongoing assessment of judicial workload in the 20th Judicial Circuit:

1. The Clerk reported that judges primarily remain in Loudoun County, and there is no resident judge assigned to sit regularly in Fauquier County.
2. According to the Clerk, court is held on the first and second Thursdays and the fourth Monday of each month. In odd-numbered months, the fourth Monday is designated for Grand Jury. Substitute judges preside in Fauquier approximately once per week.
3. The Clerk noted delays in certain court procedures and hearings. For example, orders submitted to the court often remain unsigned for up to two months, and defendants held in custody typically wait one to two weeks before being arraigned.

4. Jury trials are scheduled one at a time, with no stacking of multiple cases. If a scheduled trial is removed or resolved in advance, the docket is not backfilled, resulting in missed opportunities to move additional cases forward.
5. When asked about bifurcated equitable distribution (ED) and custody/visitation (CV) issues in divorce proceedings, the Clerk confirmed that the court is experiencing similar delays in finalizing these matters.
6. The Clerk also shared that she has been actively reviewing and closing older cases, which may explain the court’s relatively high clearance rate.

**DJS Recommendations and Considerations**

1. **Add an additional judgeship in the 20<sup>th</sup> Judicial Circuit.** Although the court has not experienced a significant increase in overall caseload, it is nonetheless impacted by the volume of cases involving complex legal issues. In evaluating the statewide judicial workload model referenced in the 2024 National Center for State Courts (NCSC) report, the March 2025 NCSC follow-up report notes that such models, by design, average out regional variations across the Commonwealth. The report further explains that a

statewide model cannot “fully account for systematic differences in factors like demographics, legal culture, and the concentration of complex case types in particular regions, such as the higher

**Exhibit 6: Judicial Workload Comparison, 31<sup>st</sup> Circuit**

Case Types	31st Circuit Comparison									
	31st Circuit Case Weights				Statewide Case Weights					
	Case Weights	x	Case Weights	= Judicial Workload	Case Weights	x	Case Weights	= Judicial Workload		
Felony Combined	1,137	x	225	=	256,110	1,137	x	57	=	64,274
Misdemeanor	1,020	x	4	=	4,484	1,020	x	6	=	6,552
Other Criminally Related Matters	1,929	x	4	=	7,795	1,929	x	19	=	37,136
Administrative Law	18	x	48	=	862	18	x	112	=	2,022
Domestic and Family - Level 1	595	x	252	=	149,894	595	x	118	=	70,131
Domestic and Family - Level 2	1,003	x	28	=	28,191	1,003	x	24	=	24,498
General Civil - Level 1	30	x	1,210	=	36,293	30	x	1,161	=	34,832
General Civil - Level 2	748	x	74	=	55,277	748	x	103	=	76,920
General Civil - Level 3	235	x	37	=	8,681	235	x	45	=	10,656
Miscellaneous	5,345	x	2	=	10,234	5,345	x	3	=	16,845
Probates/Wills and Trusts - Level 1	13	x	48	=	624	13	x	119	=	1,550
Probates/Wills and Trusts - Level 2	145	x	16	=	2,299	145	x	19	=	2,818
Protective Orders	67	x	111	=	7,436	67	x	86	=	5,779
Specialty	10	x	1,440	=	14,402	10	x	365	=	3,650
<b>Total</b>					<b>582,582</b>					<b>357,662</b>

Figure 4

incidence of complex civil litigation in urban areas.” These limitations suggest that the statewide model may not fully reflect the unique demands placed on the 20th Judicial Circuit, supporting the need for an additional judgeship to address workload challenges effectively. Further analysis indicates that the statewide model does not closely align with the judicial workload profile of the 20th Judicial Circuit. As shown in Figure 4 (Exhibit 6 on page 10, NCSC follow-up report), the calculated judicial workload

is significantly higher when circuit-level case weights are applied. In the 20th Circuit, the total judicial workload is 473,061 minutes using circuit-level weights, compared to 291,017 minutes using statewide weights. This means the statewide case weights estimate only 62% of the judicial workload reported by judges in the 20th Judicial Circuit.

To determine the need for judges, the Total Judicial Workload is divided by the appropriate Year Value. For the 20<sup>th</sup> Judicial Circuit, the Implied Need for judges using the circuit-level case weights is:  $477.792/74,053 = 6.5$  judges (Figure 5). Using the statewide case weights, the Implied Need for Judges in the 20<sup>th</sup> circuit is 3.9 judges ( $292,349/74,053$ ). The current allocation of judges in the 20<sup>th</sup> circuit is five (5).

	20th Circuit	
	Circuit-level Judicial Workload	Statewide (estimated) Judicial Workload
<b>Total Judicial Workload*</b>	477,792	292,349
Year Value	74,053	74,053
Implied Need	6.5	3.9
Current Judges	5.00	5.00
Difference	1.5	-1.1
Calculated day value	7.37	4.53
*Includes interpreter adjustment		

Figure 5

2. **Implement caseflow management practices.** Judges should implement caseflow management practices that enhance the court’s ability to manage civil cases efficiently from filing to disposition. These practices should be guided by the following principles:
  - a. Courts are responsible for actively overseeing the progress of civil cases from the time of filing through resolution, with the cooperation of attorneys and parties expected throughout the process.
  - b. Civil cases should be promptly assigned to a case management track at the time of filing. This track should correspond to the level of judicial oversight necessary to resolve the case fairly, promptly, and economically.
  - c. Clear policies, efficient procedures, sound administrative practices, and the strategic use of technology are critical to achieving measurable improvements, particularly in uncontested cases or those involving parties with unequal legal representation.

Consistent application of these policies and practices can significantly reduce the time and cost required to resolve civil matters.

**3. Streamline case processing:**

- a. Courts should consolidate all issues in divorce proceedings—custody, visitation, and equitable distribution—under a single case number when they are raised in an initial pleading. The Department of Judicial Services (DJS) consulted with the Virginia Circuit Court Clerks' Association (VCCA) Education Committee, which collaborates with OES to develop procedural best practices, and they support this approach.
- b. Courts should enter crossclaims, counterclaims, intervenors, and third-party claims into the Circuit Court Case Management System (CCMS) as subsequent actions.
- c. Similarly, capiases and motions for show cause should also be entered into CCMS as subsequent actions.
- d. The expanded use of remote hearings in civil cases—particularly for motions hearings—can help address scheduling challenges and improve the pace and resolution of civil proceedings in Fauquier and Rappahannock Counties. Notably, remote hearings would allow detained individuals to be arraigned more promptly in these jurisdictions.
- e. To address delays in the submission of draft court orders—whether by pro se litigants or counsel—the court should implement a standardized case management practice. Upon the conclusion of a case, the court should establish a specific control date by which the draft order must be submitted. If the order is filed prior to this deadline, the scheduled hearing may be canceled, and the parties excused from appearing. This approach allows the court to maintain oversight, improve the timeliness of case finalization, and positively affect clearance rates.

- 4. Issuance of Concealed Handgun Permits:** Pursuant to Virginia Code § 18.2-308.04, “[a] court may authorize the clerk to issue concealed handgun permits, without judicial review, to applicants who have submitted complete applications, for whom the criminal history records check does not indicate a disqualification and, after consulting with either the sheriff or police department of the county or city, about which application there are no outstanding questions or issues.” To help maximize judicial efficiency and allow judges to devote more time to hearing cases, the court may wish to consider delegating this authority after consulting with the clerk.

- 5. Judicial allocation in Fauquier and Rappahannock Counties:** If an additional judge is allocated to the 20th Judicial Circuit, consideration should be given to assigning the judge to serve Fauquier and Rappahannock Counties. Individuals in custody in these counties face excessive delays in arraignment, and there are ongoing delays in the issuance of court orders and case finalizations. The absence of a regularly presiding judge in these localities negatively affects the administration of justice and imposes a significant burden on the public.

While the judge would be primarily assigned to Fauquier and Rappahannock Counties, they could also provide support to Loudoun County as needed. This flexibility would enhance judicial coverage circuit-wide and improve the overall responsiveness of the court to fluctuations in caseload and judicial availability.

# **Appendix A**

## APPENDIX I: CIRCUIT COURT JUDGE NEED, BY CIRCUIT

Circuit	Current Authorized Judges	Total Judge Need FTE	Workload per Judge	Judge Need (FTE) rounded 1.15/.9	Final Workload per Judge
1	6.0	5.44	.91	6.00	.91
2	8.0	7.53	.94	8.00	.94
3	4.0	2.91	.73	3.00	.97
4	8.0	7.08	.88	7.00	1.01
5	4.0	3.17	.79	3.00	1.06
6	3.0	2.50	.83	3.00	.83
7	5.0	4.00	.80	4.00	1.00
8	3.0	2.60	.87	3.00	.87
9	5.0	4.15	.83	4.00	1.04
10	4.0	3.64	.91	4.00	.91
11	3.0	2.65	.88	3.00	.88
12	6.0	5.80	.97	6.00	.97
13	7.0	5.45	.78	6.00	.91
14	5.0	5.38	1.08	5.00	1.08
15	12.0	11.59	.97	12.00	.97
16	6.0	5.88	.98	6.00	.98
17	4.0	4.26	1.06	4.00	1.06
18	3.0	2.46	.82	3.00	.82
19	15.0	13.47	.90	15.00	.90
20	5.0	3.95	.79	4.00	.99
21	3.0	2.84	.95	3.00	.95
22	4.0	3.84	.96	4.00	.96
23	5.0	5.20	1.04	5.00	1.04
24	6.0	5.78	.96	6.00	.96
25	7.0	5.77	.82	6.00	.96
26	8.0	8.30	1.04	8.00	1.04
27	6.0	7.88	1.31	7.00	1.13
28	4.0	3.21	.80	3.00	1.07
29	5.0	4.39	.88	4.00	1.10
30	4.0	3.21	.80	3.00	1.07
31	7.0	4.80	.69	5.00	.96
<b>Total</b>	<b>175.0</b>	<b>159.11</b>	<b>.91</b>	<b>163.00</b>	<b>.98</b>

# **Appendix B**



Supreme Court of Virginia  
Office of the Executive Secretary  
Judicial Workload Report 2025  
(2022-2024 Caseload Data)

Table 1

	Circuit			General District			Juvenile & Domestic Relations District		
	Current Authorized Judges	Total Judge Need FTE	Workload Per Judge	Current Authorized Judges	Total Judge Need FTE	Workload Per Judge	Current Authorized Judges	Total Judge Need FTE	Workload Per Judge
1	6.0	5.32	0.89	4.0	3.46	0.87	4.0	4.36	1.09
2	8.0	7.54	0.94	7.0	7.35	1.05	7.0	7.43	1.06
3	4.0	2.79	0.70	2.0	1.78	0.89	3.0	2.69	0.90
4	8.0	6.96	0.87	6.0	4.68	0.78	5.0	5.28	1.06
5	4.0	3.21	0.80	3.0	2.78	0.93	2.0	3.13	1.56
6	3.0	2.52	0.84	5.0	4.71	0.94	3.0	2.58	0.86
7	5.0	4.02	0.80	4.0	4.18	1.04	4.0	4.47	1.12
8	3.0	2.69	0.90	3.0	2.95	0.98	3.0	3.41	1.14
9	5.0	4.31	0.86	4.0	4.25	1.06	4.0	4.70	1.18
10	4.0	3.66	0.92	3.0	2.84	0.95	3.0	3.39	1.13
11	3.0	2.69	0.90	3.0	3.04	1.01	3.0	2.81	0.94
12	6.0	5.79	0.97	5.0	6.76	1.35	6.0	7.47	1.24
13	7.0	5.50	0.79	6.0	5.03	0.84	5.0	4.52	0.90
14	5.0	5.46	1.09	5.0	5.91	1.18	5.0	5.17	1.03
15	12.0	11.43	0.95	8.0	8.14	1.02	9.0	10.78	1.20
16	6.0	5.84	0.97	4.0	4.73	1.18	6.0	6.54	1.09
17	4.0	3.98	1.00	3.0	2.83	0.94	2.0	1.95	0.97
18	3.0*	2.46*	0.82*	2.0	1.60	0.80	2.0	1.58	0.79
19	15.0*	13.47*	0.90*	12.0	12.56	1.05	8.0	8.98	1.12
20	5.0	4.63	0.93	4.0	4.69	1.17	4.0	3.66	0.92
21	3.0	2.71	0.90	2.0	1.31	0.65	2.0	2.19	1.09
22	4.0	3.85	0.96	3.0	2.43	0.81	4.0	4.32	1.08
23	5.0	5.26	1.05	4.0	4.43	1.11	5.0	6.17	1.23
24	6.0	5.71	0.95	3.0	3.64	1.21	6.0	6.99	1.17
25	7.0	5.56	0.79	4.0	4.34	1.08	5.0	4.96	0.99
26	8.0	8.30	1.04	5.0	6.20	1.24	7.0	7.68	1.10
27	6.0	7.51	1.25	5.0	5.09	1.02	5.0	5.43	1.09
28	4.0	3.28	0.82	3.0	2.66	0.89	3.0	2.93	0.98
29	5.0	4.11	0.82	2.0	1.64	0.82	3.0	2.99	1.00
30	4.0	3.15	0.79	2.0	1.51	0.76	3.0	2.67	0.89
31	7.0	5.20	0.74	6.0	6.54	1.09	6.0	6.50	1.08
32	-	-	-	2.0	1.65	0.83	1.0	0.77	0.77

Circuit-District

\* 2024 Judicial Workload Assessment numbers for the 18th and 19th Circuits are based on filing data from 2021 to 2023.

Weights and Analysis based on the 2024 Judicial Workload Assessment Final Report:

<https://rga.lis.virginia.gov/Published/2024/HD8/PDF>



# Judicial Workload Report 2025 (2022-2024 Caseload Data) Circuit Courts of Virginia

Circuit **20**

Based on 2022-2024 Filings

Current Authorized Judges	2022-2024 Need	FTE Need	Workload Per Judge	Number of Judges with Workload Per Judge	
<b>5.00</b>	<b>4.63</b>	<b>-0.37</b>	<b>0.93</b>	3	1.54
				4	1.16
				5	0.93
				6	0.77
				7	0.66

	Filings	Weight	2022-2024 Workload Minutes	Judge FTE
<b>Total</b>	<b>42,904</b>		<b>1,027,849</b>	<b>4.63</b>
Administrative Law	49	112.0	5,549	0.0250
Felony (more and less Complex combined)	2,337	57.0	134,315	0.6046
General Civil - Level 1 (more complex)	91	1,161.0	106,937	0.4814
General Civil - Level 2 (intermediate complexity)	2,000	103.0	208,141	0.9369
General Civil - Level 3 (less complex)	602	45.0	27,355	0.1231
Miscellaneous (civil)	26,825	3.0	50,796	0.2286
Misdemeanor	1,331	6.0	8,041	0.0362
Other Criminally Related Matters	4,643	19.0	89,010	0.4007
Other Domestic and Family-Level 1 (more complex)	1,590	118.0	189,525	0.8531
Other Domestic and Family-Level 2 (less complex)	2,464	24.0	59,784	0.2691
Probate/Wills and Trusts - Level 1 (more complex)	30	119.0	3,594	0.0162
Probate/Wills and Trusts - Level 2 (less complex)	452	19.0	8,675	0.0390
Protective Order	155	86.0	13,468	0.0606
Specialty Dockets	335	365.0	122,660	0.5521

Filings \* Weight + *Interpreter Workload* = Workload Minutes

Judge FTE=Workload Minutes divided by 3 divided by 74,053

Circuit Judge Case-Specific Year Values

**74,053**

Judge FTE by Year

2022	2023	2024
4.14	4.45	5.29

Fauquier	Loudoun	Rappahannock
0.86	3.22	0.54

# **Appendix C**

# **Evaluation of Judicial Workload in the 20<sup>th</sup> and 31<sup>st</sup> Circuits**

National Center for State Courts

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## **Introduction**

The Office of the Executive Secretary of Virginia (OES) has recently completed a comprehensive update of the Virginia Judicial Workload Assessment project (October 2024) with assistance from the National Center for State Courts (NCSC). Results from the study were presented to the Virginia Judicial Council in October 2024. At the meeting, judges representing the 20th Judicial Circuit (Loudoun, Rappahannock, and Fauquier Counties) and the 31st Judicial Circuit (Prince William County) expressed their concerns to the Judicial Council that the current model undercounts their judicial workload. OES is tasked with further clarifying the judicial workload in these circuits.

As an extension of the original study, the OES requested assistance from the NCSC in analyzing the 2024-time study data to provide a deeper understanding of the workload in the 20<sup>th</sup> and 31<sup>st</sup> Circuits.

The analysis involves an in-depth analysis of workload at the individual circuit level, comparing reported time spent on each case type against the statewide average. Additionally, the analysis explores case filing trends and variations in reported judge year values. Results from the 2024 study are compared with results from the previous study completed in 2017 to assess changes that have occurred between the two study periods. The evaluation is augmented by court performance data (e.g., time to disposition) assembled by OES.

## **The Purpose of Weighted Caseload**

The case weighting (or workload assessment) methodology provides an empirical basis to measure judicial work and assess how many judges are needed to handle the work in a particular jurisdiction, how judicial resources can be equitably allocated, and how much work any particular judge should handle. A well-constructed weighted caseload system provides a common yardstick to help ensure that decisions about the number and allocation of judicial resources are fair and transparent.

Over time, the integrity of any weighted caseload model may be affected by external factors such as changes in legislation, case law, legal practice, court technology, and administrative policies. NCSC recommends that weighted caseload models be periodically updated. Consequently, the 2024 weighted caseload study updates the previous study conducted in 2017.

Case weighting systems are founded upon the basic premise that court cases vary in complexity, meaning that different types of cases require different amounts of judicial time and attention. Caseload composition, or the relative proportions of different types of cases

making up a court's total caseload, can therefore have a profound impact on court workload.

Virginia, like most states, uses a set of statewide case weights that are applied in each jurisdiction. There are several benefits associated with statewide measures of workload, including:

***Benefits of Statewide Measures:***

- *Holistic View:*

Statewide case weights provide a comprehensive overview of the state's judicial workload, encompassing average practice across various circuits, demographics, and geographic areas.

- *Transparent Comparison:*

Statewide case weights facilitate clear and straightforward comparisons of judicial workload across circuits, enabling funders to easily grasp work distribution and relative judicial needs.

- *Equitable Resource Allocation:*

By establishing a standardized metric, statewide case weights ensure equitable resource allocation, directing funding to circuits with the most significant workload demands.

- *Strategic Forecasting:*

Combined with forecasted filing data, statewide case weights enable the identification of long-term workload trends, allowing proactive planning and preparation for future judicial requirements.

On the other hand, statewide models, by their nature, average out variations that exist across the state. They cannot fully account for systematic differences in factors like demographics, legal culture, and the concentration of complex case types in particular regions, such as the higher incidence of complex civil litigation in urban areas. A core assumption of a statewide model is the relative consistency across circuits in the average time judges dedicate to specific case types. For instance, a statewide model assumes that judges statewide spend a similar amount of time on complex domestic and family cases. However, if concerns arise about certain jurisdictions consistently allocating more time to particular case types, examining practice variations using circuit-level time study data becomes valuable. Alternatively, a 'regional model,' which groups similarly situated circuits, offers another approach for estimating judicial workload, as discussed below.

While circuit-level data provides more nuance in examining variation in judicial workload, there are benefits and costs to this approach.

***Benefits of Circuit Measures:***

- *Understanding Local Variation:*

Circuit-level data allows for the identification of specific differences in caseload composition among circuits, raising awareness of how judicial work varies throughout the state.

- *Differences in Case Complexity:*

Circuit-level data provides insight into the differences in the amount of judicial time required to resolve specific types of cases, highlighting how case weights can vary across communities and identifying possible targets for improved efficiency.

- *Targeted Judicial Need:*

Circuit-level data helps identify variation in the amount of time judges are required to work each day to keep current with their workload, helping to more clearly identify areas of judicial need.

- *Monitoring and Evaluation:*

Circuit-level data allows for the monitoring and evaluation of local case management practices, supporting efforts to ensure they are effective and efficient.

However, a purely circuit-level analysis has limitations. Establishing individual weighted caseload models for each circuit effectively negates the benefits of having a unified model, as the results would merely reflect existing practices within each specific jurisdiction. In contrast, as noted, a statewide model offers a consistent and standardized framework for evaluating judicial workload across all circuits. This uniformity enables equitable comparisons and ensuring resource allocation is based on a common metric. Moreover, the statewide model's inherent simplicity often makes it more readily understandable and justifiable to funding bodies. Recognizing this trade-off, the analysis will now focus on examining circuit-level variations, specifically within the 20th and 31st Circuits.

**Weighted Caseload Model Elements**

A case weighting system calculates judicial need based on total judicial workload. The case weighting formula consists of three critical elements:

- *Case filing counts*, or the number of cases of each type handled over the course of one year.

- *Case weights*, which represent the average amount of time a judge spends to handle cases of each type over the life of the case.
- *The judge year value*, or the amount of time each judge has available for case-related work in one year.

Each element will be examined for the 20<sup>th</sup> and 31<sup>st</sup> circuits. In addition, 2024 results will be compared to the results from the 2017 judicial workload assessment project.

### ***Case filings***

In building a weighted caseload model, it is first necessary to determine how many individual cases of each type are filed on an annual basis. The OES opted to use a three-year average of case filings (2021-2023). The use of an annual average rather than the caseload data for a single year minimizes the potential for any temporary fluctuations in caseloads to influence the case weights. Additionally, the OES thought that the COVID-19 Pandemic had induced a fundamental change in court practice and that filing levels were unlikely to quickly rise back to the pre-pandemic levels. The committee believed the three-year average was more likely to reflect the volume of cases coming into Virginia courts for the foreseeable future.

Exhibit 1 shows the 3-year average filings for the 20<sup>th</sup> and 31<sup>st</sup> circuits and statewide for both 2017 and 2024.

## Exhibit 1: Case Filing Composition

### 2017 Study

3-Year Average Filings	20th		31st		Statewide	
	Number	Percent	Number	Percent	Number	Percent
Felony Combined	2,457	18.0%	3,480	20.9%	126,606	31.2%
Misdemeanor	838	6.1%	1,277	7.7%	42,604	10.5%
Other Criminally Related Matters	564	4.1%	888	5.3%	14,775	3.6%
Administrative Law	28	0.2%	14	0.1%	523	0.1%
Domestic and Family - Level 1	512	3.7%	629	3.8%	17,457	4.3%
Domestic and Family - Level 2	1,065	7.8%	1,185	7.1%	29,689	7.3%
General Civil - Level 1	35	0.3%	38	0.2%	1,222	0.3%
General Civil - Level 2	705	5.2%	871	5.2%	16,697	4.1%
General Civil - Level 3	392	2.9%	321	1.9%	9,608	2.4%
Miscellaneous	6,895	50.4%	7,737	46.6%	142,291	35.0%
Probates/Wills and Trusts - Level 1	8	0.1%	11	0.1%	506	0.1%
Probates/Wills and Trusts - Level 2	122	0.9%	113	0.7%	2,855	0.7%
Protective Orders	66	0.5%	48	0.3%	1,301	0.3%
Total	13,687	100.0%	16,612	100.0%	406,134	100.0%

### 2024 Study

3-Year Average Filings	20th		31st		Statewide	
	Number	Percent	Number	Percent	Number	Percent
Felony Combined	708	5.9%	1,137	9.2%	66,579	17.4%
Misdemeanor	514	4.3%	1,020	8.3%	42,673	11.2%
Other Criminally Related Matters	1,367	11.4%	1,929	15.7%	63,701	16.7%
Administrative Law	11	0.1%	18	0.1%	402	0.1%
Domestic and Family - Level 1	496	4.1%	595	4.8%	15,030	3.9%
Domestic and Family - Level 2	826	6.9%	1,003	8.2%	24,300	6.4%
General Civil - Level 1	28	0.2%	30	0.2%	819	0.2%
General Civil - Level 2	599	5.0%	748	6.1%	14,893	3.9%
General Civil - Level 3	173	1.4%	235	1.9%	10,682	2.8%
Miscellaneous	7,070	58.9%	5,345	43.5%	133,428	34.9%
Probates/Wills and Trusts - Level 1	7	0.1%	13	0.1%	992	0.3%
Probates/Wills and Trusts - Level 2	131	1.1%	145	1.2%	5,797	1.5%
Protective Orders	51	0.4%	67	0.5%	1,378	0.4%
Specialty	26	0.2%	10	0.1%	1,355	0.4%
Total Filings	12,007	100.0%	12,295	100.0%	382,029	100.0%

Initial questions are whether the volume of cases and caseload composition are changing over time. In addition, it is informative to examine the caseload composition of each circuit relative to the state as a whole.

Exhibit 1 shows:

- Total caseloads have fallen in both circuits (as well as statewide) between 2017 and 2024.

- The highlighted rows show where the caseload composition in each circuit varies the greatest from the statewide caseload composition. The percentage of Felony Combined and Misdemeanor caseloads tend to be lower in the two circuits, while the percentage of Miscellaneous Civil tends to be higher.
- The percentage of the total caseload made up of Felony Combined cases has declined and the share of Other Criminally Related Matters has increased for both circuits between 2017 and 2024.
- For the majority of case types, the caseload composition in the two circuits is similar to the statewide average.

### ***Case weights***

Following the one-month data collection period (conducted between April 8 – May 8, 2024), the time study and caseload data were used to calculate preliminary case weights. A preliminary case weight represents the average amount of time judges currently spend to process a case of a particular type, from pre-filing activity to all post-judgment matters. The use of separate case weights for each case type category allows for the fact that cases of varying levels of complexity require different amounts of judicial time for effective resolution.

Exhibit 2 shows the statewide case weights for both 2017 and 2024. The majority of case weights showed an increase in 2024. In addition, Specialty Courts were added as a new case type.

### **Exhibit 2: Statewide Case Weights**

<b>Case Types</b>	<b>Case Weights</b>	
	<b>2024</b>	<b>2017</b>
Felony Combined	57	46
Misdemeanor	6	10
Other Criminally Related Matters	19	26
Administrative Law	112	49
Domestic and Family - Level 1	118	98
Domestic and Family - Level 2	24	20
General Civil - Level 1	1,161	544
General Civil - Level 2	103	64
General Civil - Level 3	45	51
Miscellaneous	3	2
Probates/Wills and Trusts - Level 1	119	289
Probates/Wills and Trusts - Level 2	19	25
Protective Orders	86	45
Specialty Courts	365	

Using the 2024 time study data, it is possible to calculate case weights at the individual circuit-level. Exhibit 3 shows this calculation for both circuits.

**Exhibit 3: Circuit-level Case Weights in the 20<sup>th</sup> and 31<sup>st</sup> Circuits (2024)**

Case Types	20th Circuit			31st Circuit		
	Case-related Time	÷ Filings	= Circuit Case Weights	Case-related Time	÷ Filings	= Circuit Case Weights
Felony Combined	151,489	÷ 708	= 214	256,110	÷ 1,137	= 225
Misdemeanor	11,509	÷ 514	= 22	4,484	÷ 1,020	= 4
Other Criminally Related Matters	2,178	÷ 1,367	= 2	7,795	÷ 1,929	= 4
Administrative Law	6,483	÷ 11	= 589	862	÷ 18	= 48
Domestic and Family - Level 1	100,373	÷ 496	= 202	149,894	÷ 595	= 252
Domestic and Family - Level 2	9,986	÷ 826	= 12	28,191	÷ 1,003	= 28
General Civil - Level 1	53,785	÷ 28	= 1,921	36,293	÷ 30	= 1,210
General Civil - Level 2	106,609	÷ 599	= 178	55,277	÷ 748	= 74
General Civil - Level 3	2,745	÷ 173	= 16	8,681	÷ 235	= 37
Miscellaneous	17,048	÷ 7,070	= 2	10,234	÷ 5,345	= 2
Probates/Wills and Trusts - Level 1	0	÷ 7	= 0	624	÷ 13	= 48
Probates/Wills and Trusts - Level 2	267	÷ 131	= 2	2,299	÷ 145	= 16
Protective Orders	2,671	÷ 51	= 52	7,436	÷ 67	= 111
Specialty	7,919	÷ 26	= 305	14,402	÷ 10	= 1,440
<b>Total</b>	<b>473,061</b>	<b>÷ 12,007</b>	<b>= 39</b>	<b>582,582</b>	<b>÷ 12,295</b>	<b>= 47</b>

The data in the Case-Related Time column is what was recorded during the time study in each circuit. Dividing the reported time by the 3-year average filings in each circuit (Exhibit 1) produces a circuit-level case weight. That is, the average amount of time judges in the 20<sup>th</sup> and 31<sup>st</sup> circuits report spending on each type of case.

Exhibit 4 provides a comparison of the circuit-level case weights in the 20<sup>th</sup> and 31<sup>st</sup> circuits with the statewide case weights.

#### Exhibit 4: Case Weight Comparison: Circuit-level to Statewide

<b>Case Types</b>	<b>20th Circuit Case Weights</b>	<b>31st Circuit Case Weights</b>	<b>Statewide Case Weights</b>
Felony Combined	214	225	57
Misdemeanor	22	4	6
Other Criminally Related Matters	2	4	19
Administrative Law	589	48	112
Domestic and Family - Level 1	202	252	118
Domestic and Family - Level 2	12	28	24
General Civil - Level 1	1,921	1,210	1,161
General Civil - Level 2	178	74	103
General Civil - Level 3	16	37	45
Miscellaneous	2	2	3
Probates/Wills and Trusts - Level 1	0	48	119
Probates/Wills and Trusts - Level 2	2	16	19
Protective Orders	52	111	86
Specialty	305	1,440	365
<b>Total</b>	<b>40</b>	<b>48</b>	<b>35</b>

As anticipated, case weights in the two circuits exhibit some variation between each other and when compared to the statewide average. A contributing factor to this variability is the one-month duration of the time study. While this timeframe yields sufficient data for robust statewide averages, it inherently introduces greater variance at the individual circuit level. This is particularly pronounced for case types with lower occurrence rates, where a limited sample size within a single month can skew the calculated weights (e.g., Administrative Law).

Keeping this limitation in mind, the data suggests that Felony Combined, Domestic and Family-Level 1, and to some extent, General Civil-Level 1 cases consistently require more judge time in the 20th and 31st Circuits compared to the statewide average.

Another way to examine the impact of circuit-level and statewide case weights is to calculate judicial workload in the 20<sup>th</sup> and 31<sup>st</sup> circuits using both options and compare the differences. Exhibits 5 and 6 show this calculation for the two circuits.

## Exhibit 5: Judicial Workload Comparison, 20<sup>th</sup> Circuit

20th Circuit Comparison										
Case Types	20th Circuit Case Weights				Statewide Case Weights					
	Filings	Circuit			Filings	Statewide			Judicial	
		x	Case	=		x	Case	=		
		Weights	Workload		Weights	Workload				
Felony Combined	708	x	214	=	151,489	708	x	57	=	40,023
Misdemeanor	514	x	22	=	11,509	514	x	6	=	3,302
Other Criminally Related Matters	1,367	x	2	=	2,178	1,367	x	19	=	26,317
Administrative Law	11	x	589	=	6,483	11	x	112	=	1,236
Domestic and Family - Level 1	496	x	202	=	100,373	496	x	118	=	58,462
Domestic and Family - Level 2	826	x	12	=	9,986	826	x	24	=	20,175
General Civil - Level 1	28	x	1,921	=	53,785	28	x	1,161	=	32,510
General Civil - Level 2	599	x	178	=	106,609	599	x	103	=	61,597
General Civil - Level 3	173	x	16	=	2,745	173	x	45	=	7,845
Miscellaneous	7,070	x	2	=	17,048	7,070	x	3	=	22,282
Probates/Wills and Trusts - Level 1	7	x	0	=	0	7	x	119	=	835
Probates/Wills and Trusts - Level 2	131	x	2	=	267	131	x	19	=	2,546
Protective Orders	51	x	52	=	2,671	51	x	86	=	4,399
Specialty	26	x	305	=	7,919	26	x	365	=	9,490
<b>Total</b>					473,061					291,017

## Exhibit 6: Judicial Workload Comparison, 31<sup>st</sup> Circuit

31st Circuit Comparison										
Case Types	31st Circuit Case Weights				Statewide Case Weights					
	Filings	Circuit			Filings	Statewide			Judicial	
		x	Case	=		x	Case	=		
		Weights	Workload		Weights	Workload				
Felony Combined	1,137	x	225	=	256,110	1,137	x	57	=	64,274
Misdemeanor	1,020	x	4	=	4,484	1,020	x	6	=	6,552
Other Criminally Related Matters	1,929	x	4	=	7,795	1,929	x	19	=	37,136
Administrative Law	18	x	48	=	862	18	x	112	=	2,022
Domestic and Family - Level 1	595	x	252	=	149,894	595	x	118	=	70,131
Domestic and Family - Level 2	1,003	x	28	=	28,191	1,003	x	24	=	24,498
General Civil - Level 1	30	x	1,210	=	36,293	30	x	1,161	=	34,832
General Civil - Level 2	748	x	74	=	55,277	748	x	103	=	76,920
General Civil - Level 3	235	x	37	=	8,681	235	x	45	=	10,656
Miscellaneous	5,345	x	2	=	10,234	5,345	x	3	=	16,845
Probates/Wills and Trusts - Level 1	13	x	48	=	624	13	x	119	=	1,550
Probates/Wills and Trusts - Level 2	145	x	16	=	2,299	145	x	19	=	2,818
Protective Orders	67	x	111	=	7,436	67	x	86	=	5,779
Specialty	10	x	1,440	=	14,402	10	x	365	=	3,650
<b>Total</b>					582,582					357,662

For both the 20<sup>th</sup> and the 31<sup>st</sup>, the calculated judicial workload is higher when the circuit-level case weights are used. In the 20<sup>th</sup>, total judicial workload is 473,061 minutes using the circuit-level weights and 291,017 minutes using the statewide weights. For the 31<sup>st</sup>, the calculation is 582,582 minutes compared to 357,662 minutes. The result is that the use of statewide case weights estimates an amount of judicial work that is 62% (291,017/473,061) of the amount of judicial work reported by judges in the 20<sup>th</sup> and 61% (357,662/582,582) in the 31<sup>st</sup>.

One implication is that the statewide model does not closely fit the profile of judicial workload in the 20<sup>th</sup> and 31<sup>st</sup> circuits.

To examine further the issue of statewide model fit, a similar comparison of reported circuit-level workload to estimated judicial workload using the statewide case weights was calculated for all 31 circuits (Exhibit 7). If the percentage value in the Statewide to Circuit column is less than 100%, this implies that the use of statewide case weights produces an estimate of judicial workload that is less than the amount of time reported by the circuit judges during the time study. Likewise, if the percentage value is greater than 100%, it implies that the statewide weights produce an estimate of judicial workload greater than reported during the time study.

The right side of Exhibit 7 shows the calculation in circuit number order, while the left side shows calculation sorted from lowest to highest. One clear finding is that the 20<sup>th</sup> and 31<sup>st</sup> circuits are outliers in terms of model fit as they have the lowest values in the Statewide to Circuit column.

While there are some outliers, the statewide case weights do a reasonable job of estimating judicial workload in the majority of circuits. For example, the reported circuit judicial workload in 19 of the circuits is within +/- 16% of the estimated workload using the statewide case weights.

## Exhibit 7: Assessing Statewide Model Fit

Circuit	Circuit			Circuit	Circuit		
	Time Study	Statewide Estimate	Statewide to Circuit		Time Study	Statewide Estimate	Statewide to Circuit
1	456,481	419,011	92%	31	582,582	357,662	61%
2	712,220	557,941	78%	20	473,061	291,017	62%
3	282,340	224,188	79%	18	250,352	184,090	74%
4	577,549	545,595	94%	10	345,889	269,857	78%
5	279,651	234,563	84%	2	712,220	557,941	78%
6	211,088	184,186	87%	19	1,277,440	1,004,496	79%
7	327,783	305,377	93%	30	302,224	238,026	79%
8	161,756	200,123	124%	3	282,340	224,188	79%
9	305,946	307,407	100%	25	526,989	427,033	81%
10	345,889	269,857	78%	16	525,872	429,198	82%
11	188,571	196,212	104%	29	387,954	325,174	84%
12	481,016	424,987	88%	5	279,651	234,563	84%
13	460,249	420,447	91%	26	720,901	610,646	85%
14	383,237	414,558	108%	6	211,088	184,186	87%
15	778,709	854,090	110%	12	481,016	424,987	88%
16	525,872	429,198	82%	13	460,249	420,447	91%
17	288,128	321,107	111%	1	456,481	419,011	92%
18	250,352	184,090	74%	7	327,783	305,377	93%
19	1,277,440	1,004,496	79%	4	577,549	545,595	94%
20	473,061	291,017	62%	24	424,381	425,240	100%
21	206,426	210,396	102%	9	305,946	307,407	100%
22	259,991	284,538	109%	28	235,958	237,607	101%
23	377,524	385,138	102%	21	206,426	210,396	102%
24	424,381	425,240	100%	23	377,524	385,138	102%
25	526,989	427,033	81%	11	188,571	196,212	104%
26	720,901	610,646	85%	14	383,237	414,558	108%
27	409,615	583,508	142%	22	259,991	284,538	109%
28	235,958	237,607	101%	15	778,709	854,090	110%
29	387,954	325,174	84%	17	288,128	321,107	111%
30	302,224	238,026	79%	8	161,756	200,123	124%
31	582,582	357,662	61%	27	409,615	583,508	142%

### *Judge year value*

The 'year value' is crucial for translating weighted caseload data into the number of judges required. It represents the total time available for case-related work by a single judge in a year ('judge year'). Calculating this value necessitates determining both the number of available workdays per judge per year and the allocation of each workday between case-related and non-case-related tasks ('judge day value'). The Judicial Needs Assessment Committee (JNAC) established the year value as 214 days. Further analysis revealed variations in available daily work hours between single-county and multi-county circuits. As detailed in Exhibit 8, the calculated year value is 77,081 minutes for single-jurisdiction circuits and 74,053 minutes for multi-jurisdiction circuits.

### **Exhibit 8: Circuit Court Year Values**

#### Single Jurisdiction Circuit

Judge Year (days)		Judge Day (hours)		Minutes per hour		Year Value (minutes)
214	x	6.00	x	60	=	77,081

#### Multi-Jurisdiction Circuit

Judge Year (days)		Judge Day (hours)		Minutes per hour		Year Value (minutes)
214	x	5.77	x	60	=	74,053

Note that the 20<sup>th</sup> circuit is a multi-county circuit and the 31<sup>st</sup> is a single-county circuit.

Exhibit 9 shows the total judicial workload for the 20<sup>th</sup> and 31<sup>st</sup> using both the circuit-level case weights and the statewide case weights. The detail of the calculation is shown in Exhibit 6. In addition, the total judicial workload has been adjusted upward to incorporate the interpreter adjustment adopted by JNAC.

**Exhibit 9: Estimated Judicial Need Using Circuit-Level and Statewide Case Weights**

	20th Circuit		31st Circuit	
	Circuit-level Judicial Workload	Statewide (estimated) Judicial Workload	Circuit-level Judicial Workload	Statewide (estimated) Judicial Workload
<b>Total Judicial Workload*</b>	477,792	292,349	602,099	369,644
Year Value	74,053	74,053	77,081	77,081
Implied Need	6.5	3.9	7.8	4.8
Current Judges	5.00	5.00	7.0	7.0
Difference	1.5	-1.1	0.6	-2.4
Calculated day value	7.37	4.53	6.48	3.98

\*Includes interpreter adjustment

To determine the need for judges, the Total Judicial Workload is divided by the appropriate Year Value. For example, in the 20<sup>th</sup> circuit, the Implied Need for judges using the circuit-level case weights is:  $477,792/74,053 = 6.5$  judges. Using the statewide case weights, the Implied Need for Judges in the 20<sup>th</sup> circuit is 3.9 judges ( $292,349/74,053$ ). The current allocation of judges in the 20<sup>th</sup> circuit is 5.

As can be seen, the use of the circuit-level case weights leads to a quite different estimate for the Implied Need for judges in both the 20th and 31st circuits. Both circuits show they are under-judged using the circuit-level case weights and over-judged using the statewide case weights.

The difference arises because the amount of case-related time reported by judges in the 20<sup>th</sup> and 31<sup>st</sup> circuits is higher than the amount of time estimated using the statewide case weights. Judges in the 20<sup>th</sup> circuit reported working 7.37 hours per day on case-related work, while the statewide case weights imply they worked 4.53 hours per day on case-related work. In the 31<sup>st</sup> circuit, the comparison is 6.48 hours per day to 3.98 hours per day.

These results tie back to the data presented in Exhibit 7 that showed the statewide estimate of judicial workload is only 61% of the calculated judicial workload in the 31<sup>st</sup>

circuit and 62% of the calculated judicial workload in the 20<sup>th</sup>. That translates directly into the Implied Need for judges shown in Exhibit 9. In the 20<sup>th</sup> circuit, the statewide estimate of 3.9 judges is 61% of the circuit level estimate of 6.5 judges, while in the 31<sup>st</sup> the statewide estimate of 4.8 judges is 62% of the circuit level estimate of 7.8 judges.

### Performance Assessment

The circuit-level time study results indicate a potential under-resourcing of the 20<sup>th</sup> and 31<sup>st</sup> Circuits relative to their workload. Data reveals that judges in these two circuits consistently spend more time per day on case-related work compared to the majority of other judges statewide. The impact of these higher-than-average workload levels can be assessed through fundamental court performance indicators, such as clearance rate and time to disposition. OES compiles statewide data on these key metrics, offering a valuable opportunity to evaluate the performance of the 20<sup>th</sup> and 31<sup>st</sup> Circuits in this context.

Exhibit 10 shows the clearance rate by year (2022-2024) and overall, distinguishing civil and criminal cases, for the 20<sup>th</sup> and 31<sup>st</sup> circuits as well as statewide.

### Exhibit 10: Clearance Rate

		2022	2023	2024	Total
20th	Civil	101.5%	107.7%	91.6%	99.9%
	Criminal	110.6%	89.4%	89.7%	95.2%
31st	Civil	90.8%	86.2%	90.3%	89.1%
	Criminal	109.7%	93.9%	92.6%	98.3%
Statewide	Civil	95.6%	95.8%	93.9%	95.1%
	Criminal	101.6%	100.2%	101.0%	100.9%

Data from both the 20<sup>th</sup> and 31<sup>st</sup> Circuits indicates a trend of declining clearance rates for both criminal and civil cases between 2022 and 2024. In 2024, both circuits' clearance rates had fallen below the statewide average.

Further analysis of timeliness, presented in Exhibit 11, reveals that both the 20<sup>th</sup> and 31<sup>st</sup> Circuits exhibit longer median times to disposition for both civil and criminal cases compared to the statewide average. Additionally, a smaller percentage of cases in these circuits are resolved within 365 days than the statewide average.

## Exhibit 11: Time to Disposition

		2022		2023		2024		Total	
		Median Days	% Resolved w/in 365 Days	Median Days	% Resolved w/in 365 Days	Median Days	% Resolved w/in 365 Days	Median Days	% Resolved w/in 365 Days
20th	Civil	120	72%	151	66%	118	73%	129	70%
	Criminal	154	79%	147	77%	140	89%	147	82%
31st	Civil	164	69%	127	78%	122	74%	133	74%
	Criminal	218	68%	163	75%	163	80%	179	75%
Statewide	Civil	118	81%	112	82%	111	82%	113	82%
	Criminal	125	82%	114	83%	113	84%	117	83%

Both performance measures indicate that the 20th and 31st Circuits are performing below the statewide average. While various factors can impact performance (e.g., caseload management practices), adequate judicial resources are fundamental to effectively managing workload and achieving desired outcomes.

### Regional Model

Comparing the circuit-level workload in the 20th and 31st Circuits to estimates derived from the statewide model reveals a **lack of adequate fit** between the two approaches in these specific locations. In addition, Exhibit 7 shows that there are other circuits where the statewide model appears to either underestimate judicial workload (e.g., 18<sup>th</sup> and 19<sup>th</sup> circuits) or overestimate judicial workload (e.g., 8<sup>th</sup> and 27<sup>th</sup> circuits). Rather than pursuing individual circuit-level analyses for all discrepancies, an alternative strategy is to explore a regional model. This approach would involve grouping circuits with similar characteristics to potentially reduce variation and enhance the overall accuracy of workload predictions.

To illustrate this regional approach, a 5-region model has been developed. These five regions align with the example framework created during the 2013 Virginia Judicial Workload Assessment Project, which also explored potential boundary realignments and the grouping of circuits into regional configurations (Exhibit 12).

### Exhibit 12: 5-Region Model

Region 1 Circuits	Region 2 Circuits	Region 3 Circuits	Region 4 Circuits	Region 5 Circuits
23	5	1	9	16
25	6	2	13	17
26	10	3	14	18
27	11	4	15	19
28	12	7		20
29	21	8		31
30	22			
	24			

The circuits and regions are displayed as a map in Exhibit 13. Again, this is just an example and the number of regions could be fewer (e.g., two regions: Northern Virginia and Rest of State) or potentially even greater.

### Exhibit 13: 5-Region Map

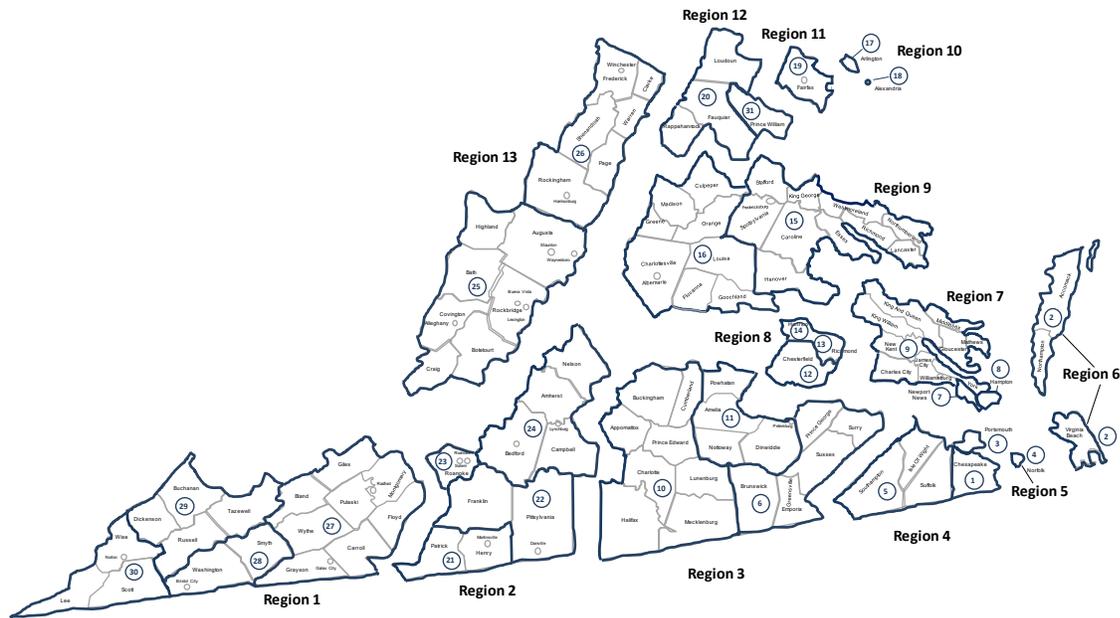


Exhibit 14 shows the case weights calculated by region and compared to the statewide model. There is evidence of both consistency and variation in the regional case weights.

## Exhibit 14: Case Weight Comparison

Case Types	Case Weights					Statewide	Model
	Region 1	Region 2	Region 3	Region 4	Region 5		
Felony Combined	72	87	115	84	142	92	57
Misdemeanor	5	4	6	8	14	6	6
Other Criminally Related Matters	4	3	7	4	6	4	19
Administrative Law	335	138	41	67	81	112	112
Domestic and Family - Level 1	104	72	78	115	200	118	118
Domestic and Family - Level 2	35	27	21	21	21	24	24
General Civil - Level 1	1,075	1,027	923	550	1,872	1,161	1,161
General Civil - Level 2	213	117	108	61	91	103	103
General Civil - Level 3	91	64	24	56	47	45	45
Miscellaneous	5	3	2	3	3	3	3
Probates/Wills and Trusts - Level 1	1,087	316	346	368	9	119	119
Probates/Wills and Trusts - Level 2	68	50	15	22	7	19	19
Protective Orders	130	59	83	44	122	86	86
Specialty	152	434	512	210	308	258	365
<b>Total</b>	<b>33</b>	<b>31</b>	<b>35</b>	<b>31</b>	<b>43</b>	<b>35</b>	

Notably, the Region 5 (Northern Virginia) case weights consistently exceed those of other regions for complex case types: Felony Combined, Domestic and Family-Level 1, and General Civil-Level 1. This suggests that these particular case categories in Northern Virginia are indeed more intricate and demand a greater allocation of judicial time compared to the rest of the state. By reflecting this increased complexity in higher case weights, the model provides a more accurate distribution of workload, directing the necessary judicial resources to Region 5.

An estimate of regional judicial workload is obtained when the regional case weights are multiplied by the regional filing counts (Exhibit 15). Dividing Judicial Workload by the appropriate judge year value gives an estimate of the Implied Need for judges within the region. This analysis suggests that Region 5 is underjudged by 4.1 FTE judges

## Exhibit 15: Judicial Need by Region

	Judicial Workload					Statewide
	Region 1	Region 2	Region 3	Region 4	Region 5	
<b>Judicial Workload</b>	2,961,165	2,397,014	2,518,129	1,928,140	3,397,436	13,201,883
<b>Implied Need</b>	40.0	32.4	32.7	25.0	44.1	174.1
<b>Current Judges</b>	39	33	34	29	40	175.0
<b>Difference</b>	1.0	-0.6	-1.3	-4.0	4.1	

A regional model strikes a valuable balance between the broad strokes of a statewide model and the highly specific nature of a circuit-level model by capturing some of the nuanced variations that exist across different geographic areas while still maintaining a degree of standardization and manageability. Here' are some thoughts on why it might be a good compromise:

#### **Advantages over a Statewide Model:**

- **Captures Regional Differences:** By design, statewide models average out statewide variations. A regional model can better account for systematic differences in demographics, legal culture, and the complexity of certain case types that are more prevalent in specific regions. For example, urban areas might consistently see more complex family law litigation than rural areas.
- **Improved Accuracy:** By acknowledging regional distinctions, a regional model can provide a more accurate reflection of the actual judicial workload in different parts of the state compared to a single statewide average. This leads to more precise resource allocation and a better understanding of judicial needs.
- **More Granular Trend Analysis:** While a statewide model can identify overall trends, a regional model allows for the identification of trends specific to certain areas. This can be valuable for targeted planning and intervention.
- **Increased Buy-in:** Stakeholders in different regions might feel that a regional model more fairly represents their unique circumstances compared to a one-size-fits-all statewide approach, potentially leading to greater acceptance and buy-in.

#### **Advantages over a Circuit-Level Model:**

- **Maintains Standardization:** Unlike a system with individual models for each circuit, a regional model still provides a degree of standardization within each region and allows for comparisons *between* regions based on a common framework. This is crucial for statewide resource allocation and policy decisions.
- **Greater Statistical Reliability:** By grouping multiple circuits together, a regional model often benefits from larger sample sizes, leading to more statistically reliable case weights and workload estimates compared to potentially volatile data from smaller individual circuits. This is especially true for less frequent case types.
- **Simplified Administration:** Managing and updating a handful of regional models is significantly less complex and resource-intensive than managing individual models for every circuit in the state.

- **Facilitates Broader Policy Insights:** While circuit-level data provides granular detail, regional models can help identify broader patterns and challenges that are common across multiple, similar jurisdictions, informing statewide policy discussions more effectively than a mass of individual circuit data.
- **Reduces Potential for Manipulation:** Individual circuit-level models might be more susceptible (or perceived as more susceptible) to manipulation or strategic behavior, whereas regional models, encompassing a larger group, can mitigate this risk.

**In essence, a regional model aims to:**

- **Increase sensitivity:** Be more sensitive to genuine, geographically-based differences in judicial workload.
- **Maintain manageability:** Remain a manageable number of models for analysis and administration.
- **Enhance comparability:** Allow for meaningful comparisons between different regions based on a consistent methodology.
- **Improve resource allocation:** Lead to more targeted and equitable distribution of judicial resources based on regional needs.

By finding this middle ground, a regional model can offer a more nuanced and accurate understanding of judicial workload across a state than either a purely statewide or a purely circuit-level approach alone.

# Appendix D



# Judicial Workload Report 2025 (2021-2023 Caseload Data) Circuit Courts of Virginia

Circuit **20**

Based on 2021-2023 Filings and 2024 Time Study Circuit-level Case Weights in the 20th provided by the National Center for State Courts

Current Authorized Judges	2022-2024 Need	FTE Need	Workload Per Judge	Number of Judges with Workload Per Judge	
<b>5.00</b>	<b>6.50</b>	<b>1.50</b>	<b>1.30</b>	3	2.17
				4	1.62
				5	1.30
				6	1.08
				7	0.93

	Filings	Weight	2022-2024 Workload Minutes	Judge FTE
<b>Total</b>	<b>12,007</b>		<b>473,061</b>	<b>6.50</b>
Felony (more and less Complex combined)	708	214	151,489	2.0535
Misdemeanor	514	22	11,509	0.1633
Other Criminally Related Matters	1,367	2	2,178	0.0373
Administrative Law	11	589	6,483	0.0954
Other Domestic and Family-Level 1 (more complex)	496	202	100,373	1.3633
Other Domestic and Family-Level 2 (less complex)	826	12	9,986	0.1427
General Civil - Level 1 (more complex)	28	1,921	53,785	0.7342
General Civil - Level 2 (intermediate complexity)	599	178	106,609	1.4475
General Civil - Level 3 (less complex)	173	16	2,745	0.0449
Miscellaneous (civil)	7,070	2	17,048	0.2381
Probate/Wills and Trusts - Level 1 (more complex)	7	0	0	0.0079
Probate/Wills and Trusts - Level 2 (less complex)	131	2	267	0.0115
Protective Order	51	52	2,671	0.0439
Specialty Dockets	26	305	7,919	0.1148

Filings \* Weight + *Interpreter Workload* = Workload Minutes

Judge FTE=Workload Minutes divided by 3 divided by 74,053

Circuit Judge Case-Specific Year Values	<b>74,053</b>	Judge FTE by Year	<b><u>2021</u></b> 6.1	<b><u>2022</u></b> 6.5	<b><u>2023</u></b> 6.9
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Fauquier	Loudoun	Rappahannock
1.21	4.53	.76

# Supreme Court of Virginia

## Office of the Executive Secretary

### Judicial Workload Report 2025

(2022-2024 Circuit Caseload Data)





# Judicial Workload Report 2025 (2022-2024 Caseload Data) Circuit Courts of Virginia

Circuit **27**

Based on 2022-2024 Filings

Current Authorized Judges	2022-2024 Need	FTE Need	Workload Per Judge	Number of Judges with Workload Per Judge	
<b>6.00</b>	<b>7.51</b>	<b>1.51</b>	<b>1.25</b>	4	1.88
				5	1.50
				6	1.25
				7	1.07
				8	0.94

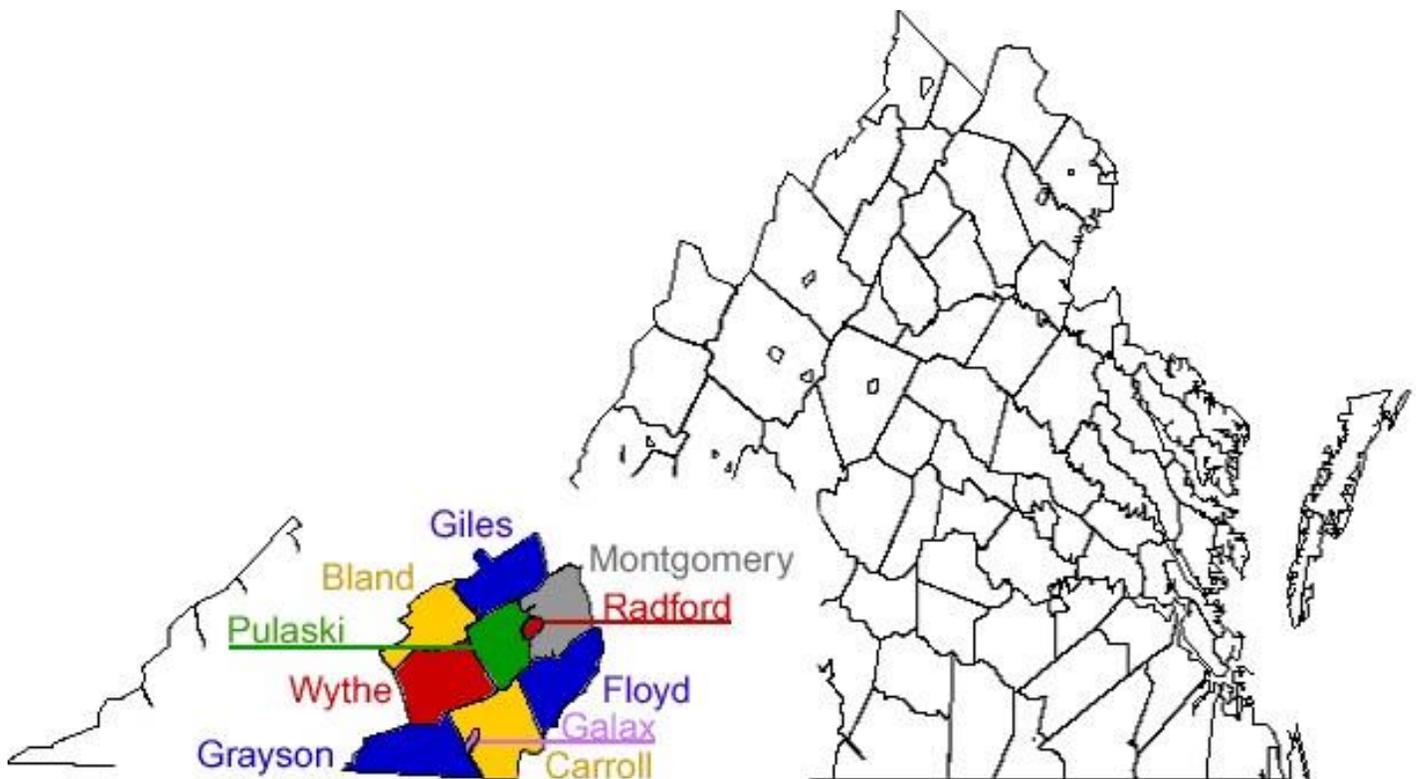
	Filings	Weight	2022-2024 Workload Minutes	Judge FTE
<b>Total</b>	<b>59,824</b>		<b>1,668,919</b>	<b>7.51</b>
Administrative Law	18	112.0	2,016	0.0091
Felony (more and less Complex combined)	12,654	57.0	721,278	3.2467
General Civil - Level 1 (more complex)	65	1,161.0	75,465	0.3397
General Civil - Level 2 (intermediate complexity)	750	103.0	77,250	0.3477
General Civil - Level 3 (less complex)	740	45.0	33,300	0.1499
Miscellaneous (civil)	23,123	3.0	33,904	0.1526
Misdemeanor	5,607	6.0	33,642	0.1514
Other Criminally Related Matters	11,872	19.0	225,568	1.0153
Other Domestic and Family-Level 1 (more complex)	1,932	118.0	227,976	1.0262
Other Domestic and Family-Level 2 (less complex)	2,067	24.0	49,608	0.2233
Probate/Wills and Trusts - Level 1 (more complex)	34	119.0	4,046	0.0182
Probate/Wills and Trusts - Level 2 (less complex)	337	19.0	6,403	0.0288
Protective Order	178	86.0	15,308	0.0689
Specialty Dockets	447	365.0	163,155	0.7344

Filings \* Weight + *Interpreter Workload* = Workload Minutes

Judge FTE=Workload Minutes divided by 3 divided by 74,053

Circuit Judge Case-Specific Year Values	<b>74,053</b>	Judge FTE by Year	<b>2022</b> 7.09	<b>2023</b> 7.86	<b>2024</b> 7.59
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Bland	Carroll	Floyd	Giles	Grayson	Montgome	Pulaski	Radford	Wythe
0.12	1.00	0.39	0.55	0.73	2.05	1.23	0.49	0.95



## **Proposal for an additional Circuit Court Judgeship for the 27th Judicial Circuit**

K. Mike Fleenor, Jr., Chief Judge

May 6, 2025

## 27<sup>th</sup> Judicial Circuit – Circuit Courts

**8 Counties:** Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski and Wythe

**2 Cities:** Galax and Radford

**Population of 2020 census:** 267,616

**Projected population 2024:** 267,578

These 10 jurisdictions cover a geographic area of 3,917.58 square miles

**2 Universities:** Virginia Tech and Radford University

**2 Community Colleges:** New River Community College (NRCC) and Wytheville Community College

**1 Regional Jail:** New River Valley Regional Jail

**2 Virginia Penitentiaries:** River North Correctional Facility  
Bland Correctional Center

**Transportation:** Both Interstates 81 (I-81) and 77 (I-77) flow through the Circuit and intersects in Wythe County.

### Current Judges:

K. Mike Fleenor, Jr., Chief Judge

Bradley W. Finch

Brett L. Geisler

H. Lee Harrell

Josiah T. Showalter, Jr.

Robert M. D. Turk



# Judicial Workload Report 2025 (2022-2024 Caseload Data) Circuit Courts of Virginia

Circuit **27**

Based on 2022-2024 Filings

Current Authorized Judges	2022-2024 Need	FTE Need	Workload Per Judge	Number of Judges with Workload Per Judge	
<b>6.00</b>	<b>7.51</b>	<b>1.51</b>	<b>1.25</b>	4	1.88
				5	1.50
				6	1.25
				7	1.07
				8	0.94

	Filings	Weight	2022-2024 Workload Minutes	Judge FTE
<b>Total</b>	<b>59,824</b>		<b>1,668,919</b>	<b>7.51</b>
Administrative Law	18	112.0	2,016	0.0091
Felony (more and less Complex combined)	12,654	57.0	721,278	3.2467
General Civil - Level 1 (more complex)	65	1,161.0	75,465	0.3397
General Civil - Level 2 (intermediate complexity)	750	103.0	77,250	0.3477
General Civil - Level 3 (less complex)	740	45.0	33,300	0.1499
Miscellaneous (civil)	23,123	3.0	33,904	0.1526
Misdemeanor	5,607	6.0	33,642	0.1514
Other Criminally Related Matters	11,872	19.0	225,568	1.0153
Other Domestic and Family-Level 1 (more complex)	1,932	118.0	227,976	1.0262
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Probate/Wills and Trusts - Level 1 (more complex)	34	119.0	4,046	0.0182
Probate/Wills and Trusts - Level 2 (less complex)	337	19.0	6,403	0.0288
Protective Order	178	86.0	15,308	0.0689
Specialty Dockets	447	365.0	163,155	0.7344

Filings \* Weight + *Interpreter Workload* = Workload Minutes

Judge FTE=Workload Minutes divided by 3 divided by 74,053

Circuit Judge Case-Specific Year Values

**74,053**

Judge FTE by Year

**2022**  
7.09

**2023**  
7.86

**2024**  
7.59

Bland	Carroll	Floyd	Giles	Grayson	Montgome	Pulaski	Radford	Wythe
0.12	1.00	0.39	0.55	0.73	2.05	1.23	0.49	0.95

**Current Division of Workload Per Judge in the Circuit**

<b><u>Locale</u></b>	<b><u>No. Judge(s)</u></b>	<b><u>Presiding Judge(s)</u></b>
Montgomery Co.	2.05	Fleenor, Turk
Floyd Co.	0.39	Fleenor
Giles Co. (Civil)	0.15(est.)	Turk
Pulaski Co.	1.23	Finch
Carroll Co.	1.00	Geisler
Wythe Co.	0.95	Showalter
Radford City	0.49	Showalter
Giles Co. (Criminal)	0.40(est.)	Harrell
Grayson Co.	0.73	Harrell
Bland Co.	0.12	Harrell

Proposal if a new judge were to preside in Floyd Co., Radford City, and Giles Co.(Civil):

<b><u>Current Workload Per Judge</u></b>		<b><u>Proposed</u></b>	
Showalter	1.44	Harrell	1.25
Fleenor	1.42	Finch	1.23
Harrell	1.25	Turk	1.03
Finch	1.23	Fleenor	1.03
Turk	1.18	*New Position	1.03
Geisler	1.00	Geisler	1.00
		Showalter	0.95



## Judge Need by Circuit

Circuit	Current Authorized Judges	Total Judge Need FTE	Workload Per Judge	Judge Need (FTE) rounded 1.15/9	Final Workload Per Judge
1	6.0	5.32	0.89	5.0	1.06
2	8.0	7.54	0.94	8.0	0.94
3	4.0	2.79	0.70	3.0	0.93
4	8.0	6.96	0.87	7.0	0.99
5	4.0	3.21	0.80	3.0	1.07
6	3.0	2.52	0.84	3.0	0.84
7	5.0	4.02	0.80	4.0	1.00
8	3.0	2.69	0.90	3.0	0.90
9	5.0	4.31	0.86	4.0	1.08
10	4.0	3.66	0.92	4.0	0.92
11	3.0	2.69	0.90	3.0	0.90
12	6.0	5.79	0.97	6.0	0.97
13	7.0	5.50	0.79	6.0	0.92
14	5.0	5.46	1.09	5.0	1.09
15	12.0	11.43	0.95	12.0	0.95
16	6.0	5.84	0.97	6.0	0.97
17	4.0	3.98	1.00	4.0	1.00
18	3.0*	2.46*	0.82*	3.0*	.82*
19	15.0*	13.47*	0.90*	15.0*	.90*
20	5.0	4.63	0.93	5.0	0.93
21	3.0	2.71	0.90	3.0	0.90
22	4.0	3.85	0.96	4.0	0.96
23	5.0	5.26	1.05	5.0	1.05
24	6.0	5.71	0.95	6.0	0.95
25	7.0	5.56	0.79	6.0	0.93
26	8.0	8.30	1.04	8.0	1.04
27	6.0	7.51	1.25	7.0	1.07
28	4.0	3.28	0.82	3.0	1.09
29	5.0	4.11	0.82	4.0	1.03
30	4.0	3.15	0.79	3.0	1.05
31	7.0	5.20	0.74	5.0	1.04

\* 2024 Judicial Workload Assessment numbers for the 18th and 19th Circuits are based on filing data from 2021 to 2023.

Weights and Analysis based on the 2024 Judicial Workload Assessment Final Report:

<https://rga.lis.virginia.gov/Published/2024/HD8/PDF>

## Current and Announced Judicial Vacancies

Circuit/District	Circuit		General District		J&DR District	
	Authorized* Judges	Vacancies	Authorized* Judges	Vacancies	Authorized* Judges	Vacancies
1	6	0	4	0	4	1
2	8	1	7	0	7	0
2A			2	0	1	0
3	4	0	2	0	3	0
4	8	1	6	0	5	0
5	4	0	3	0	2	0
6	3	0	5	1	3	0
7	5	0	4	0	4	0
8	3	0	3	0	3	0
9	5	0	4	0	4	0
10	4	0	3	0	3	0
11	3	0	3	0	3	0
12	6	1	5	1	6	1
13	7	0	6	0	5	0
14	5	0	5	0	5	0
15	12	2	8	1	9	2
16	6	0	4	0	6	0
17	4	0	3	0	2	0
18	3	0	2	0	2	1
19	15	1	12	0	8	0
20	5	0	4	0	4	0
21	3	1	2	0	2	0
22	4	1	3	0	4	1
23	5	0	4	1	5	0
24	6	2	3	0	6	1
25	7	0	4	0	5	0
26	8	0	5	0	7	0
27	6	0	5	0	5	0
28	4	0	3	0	3	1
29	5	0	2	0	3	0
30	4	0	2	0	3	0
31	7	2	6	1	6	0
State	175	12	134	5	138	8

\*\*Authorized Judges" refers to the maximum number of judges stated in Virginia Code § 17.1-507 (circuit) and § 16.1-69.6:1 (district) as of July 1, 2025.

Prepared by: OES, 12/12/2025