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October 1, 2025

The Honorable Scott A. Surovell, Chair  
Courts of Justice Committee  
Senate of Virginia  
P.O. Box 289  
Mount Vernon, VA 22121

The Honorable Patrick A. Hope, Chair  
Courts of Justice Committee  
Virginia House of Delegates  
P.O. Box 3148  
Arlington, VA 22203

Re: Chapter 326, Enactment Clause 3, (Regular Session, 2025) Report

Dear Chairs Surovell and Hope:

Senate Bill 1069 (2025 Regular Session), as introduced, would have required that any judge who is retired under the Judicial Retirement System and is eligible for recall pursuant to § 16.1-69.22:1 or 17.1-106 of the Code of Virginia (“retired recall judges”) be paid a per diem rate as determined by the Office of the Executive Secretary of the Supreme Court of Virginia (OES) for attendance at any mandatory judicial conference. The version of the bill that passed the General Assembly, Chapter 326, Virginia Acts of Assembly, 2025 Regular Session, contained a reenactment clause providing that this provision shall not become effective unless reenacted by the 2026 Session of the General Assembly.

Chapter 326, Enactment Clause 3, required OES to study the provision of an hourly rate of payment for retired recall judges for any time necessarily expended in the discharge of his service when such judge is not actually sitting.

Chief Justice Goodwyn appointed a work group consisting of two retired judges from each trial court level to discuss and make recommendations regarding the provision of an hourly rate of payment to retired recall judges. A list of work group members is attached. The work

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group met once, on July 9, 2025, to discuss recommendations regarding the compensation of retired judges.

Retired recall judges are currently paid a per diem of \$400 for each day they actually sit, exclusive of travel time pursuant to Va. Code § 17.1-327. Due to this statutory language, retired recall judges complete work out of court for which they do not currently receive compensation.

The work group discussed several different options to provide payment for the work of retired recall judges that is currently uncompensated. The work group agreed that the vast majority (an estimated 90 – 95%) of cases handled by retired recall judges do not require a significant amount of out of court time and that an hourly rate of payment would address only the relatively rare, complicated cases that require a significant amount of out of court time. Ultimately, the work group determined that the additional out of court time spent on cases is often offset with occasionally shorter days on the bench. Further, the work group believed that the burdens associated with any procedure for accounting for and obtaining authorization for hourly payments for out of court time would outweigh the benefit of receiving such payments.

Instead, the work group recommends that Senate Bill 1069, authorizing a per diem payment to retired recall judges for attendance at the Judicial Conference of Virginia and Judicial Conference of Virginia for District Courts, be reenacted by the 2026 Session of the General Assembly. The work group believes that authorizing per diem payments for attendance at the annual judicial conferences will help address the issue of uncompensated work while also emphasizing the value and importance of judicial education for retired recall judges. OES supports the recommendation that retired recall judges receive per diem payments for attendance at the annual judicial conferences; however, OES will need additional funding to provide these payments.

There are 103 retired circuit court judges, 103 retired district court judges, and one appellate judge currently subject to recall (207, total). All retired recall judges are invited and expected to attend one judicial conference each year. Retired circuit and appellate court judges attend the annual Judicial Conference of Virginia and retired district court judges attend the annual Judicial Conference of Virginia for District Courts. Each conference takes place over three days. OES would adopt the current per diem payment rate in Va. Code § 17.1-327(A) of \$400, exclusive of travel time, for attendance at judicial conferences. The amount of annual funding needed to enable these payments for attendance by all retired recall judges at the annual judicial conferences is \$267,403.00 (including FICA costs), though the actual amount paid could differ if some retired recall judges are unable to attend all or a portion of the annual judicial conferences.

In summary, OES supports the recommendation of the work group that Senate Bill 1069 be reenacted by the 2026 Session of the General Assembly. This would provide for payment of a per diem to retired recall judges for attendance at the annual judicial conferences instead of an


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hourly rate of payment for any time necessarily expended in the discharge of his service when such judge is not actually sitting. In addition, OES asks that funding, as detailed in this report, be provided to facilitate these payments.

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

With best wishes, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'KRH' followed by a stylized flourish.

Karl R. Hade

KRH:jrs  
Attachment

cc: The Honorable Mark J. Peake, Senate of Virginia

**Retired Judge Work Group  
July 2025**

Circuit Court

The Honorable Joel C. Cunningham, Retired Judge, 10<sup>th</sup> Judicial Circuit  
The Honorable Dennis Lee Hupp, Retired Judge, 26<sup>th</sup> Judicial Circuit

General District Court

The Honorable Becky J. Moore, Retired Judge, 18<sup>th</sup> Judicial District  
The Honorable Gene A. Woolard, Retired Judge, 2<sup>nd</sup> Judicial District

Juvenile and Domestic Relations District Court

The Honorable Robert L. Bushnell, Retired Judge, 21<sup>st</sup> Judicial District  
The Honorable Gayl Y. Branum Carr, Retired Judge, 19<sup>th</sup> Judicial District