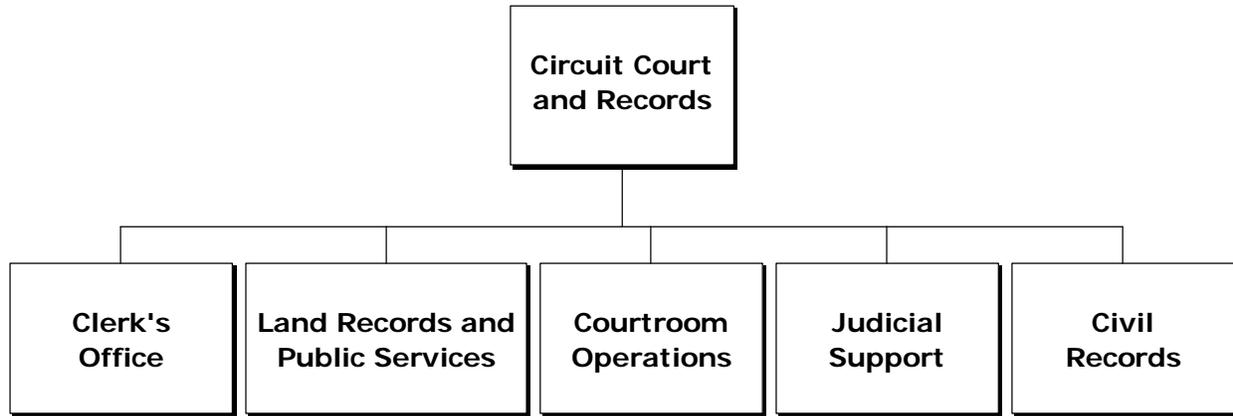


Circuit Court and Records



Mission

To provide administrative support to the 19th Judicial Circuit; to preserve, maintain and protect the public records; and to offer public services with equal access to all in accordance with the Code of Virginia.

AGENCY DASHBOARD			
Key Data	FY 2011	FY 2012	FY 2013
1. Public Records Held	41,099,915	44,614,094	44,986,502
2. Criminal Case	7,031	7,195	7,057
3. Civil Cases	19,414	19,123	21,346
4. Probate Cases	2,105	3,230	2,201
5. Land Recordings	205,650	212,644	248,584
6. Marriage Licenses, Trade Names, Financing Statements, Notaries	12,507	12,507	12,964
7. Jurors called to court for cases	10,294	9,911	7,780

Focus

The Circuit Court is a Virginia “court of record” and has jurisdiction over Criminal and Civil cases and has appellate, *de novo* review over several lower courts and tribunals. Fifteen judges constitute a full complement of the Circuit bench.

In Civil cases, the Circuit Court has concurrent jurisdiction with the General District Court over claims worth anywhere from \$4,500 to \$25,000, but enjoys original jurisdiction over monetary claims exceeding that \$25,000 threshold. The Circuit Court also has original jurisdiction over other matters such as attachments, adoptions, divorce proceedings, disputes concerning wills, trusts and estates, and controversies involving personal and real property.

As a court of record, the Circuit Court has *de novo* appellate jurisdiction over appeals from General District Court and Juvenile and Domestic Relations District Court. Because all appeals from these lower courts are heard *de novo*, the cases are tried from the beginning, giving no weight to the lower court determination. As opposed to lower courts, the parties in Circuit Court have a right to a jury trial. Citizens also can seek judicial review of administrative agency decisions in Circuit Court, and the Court

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routinely hears appeals from the Board of Zoning Appeals, the state Employment Commission and even the DMV.

In Criminal cases, the Circuit Court has original jurisdiction over the trial of all felonies (crimes that are punishable by more than one year in prison.) The Circuit Court also has jurisdiction over misdemeanor offenses (crimes carrying a penalty of 12 months or less) that were appealed from the General District Court, and Juvenile and Domestic Relations Court.

Circuit Court staff maintains a high level of performance in spite of regional and national economic contractions. While resources have been effectively static, citizen needs have increased and so have state mandates for this court. The best way to reconcile these contradictory forces is to further streamline business processes, increase the technological sophistication of staff through training, with the result of exploiting available technology, both hardware and software. Circuit Court routinely analyzes the highest-volume divisions, assesses the use of the software for those departments, and inquires whether there are functionalities the court can maximize. Circuit Court staff aims to fully utilize existing software programs, cross-pollinating computer functions throughout the Court's legal practice areas.

Circuit Court and Records supports the following County Vision Elements:



Maintaining Safe and Caring Communities



Creating a Culture of Engagement



Connecting People and Places



Exercising Corporate Stewardship

In 2013, Fairfax Circuit Court was a finalist for the prestigious Governor's COVITS Technology Award in the category "IT as Efficiency Driver, Government to Citizen" for Circuit Court's online marriage license application. While recognized locally and nationally as a pioneer of court technology, Circuit Court must continue to embrace and enhance its use of technology due to the steady climb in Fairfax population and case volume that allows no pause in forward momentum. Fairfax Circuit Court is the largest court in the Commonwealth of Virginia, and runs an efficient office that takes in roughly 24,000 new cases a year. Cutting-edge technology helps manage this high volume environment, empowering Circuit Court to respond quickly to the needs of the bench, the bar, and all Fairfax citizens. Technology enables a busy Court to perform its fundamental, constitutional promise of swift and fair justice.

Technology investments in the Circuit Court can be understood in two phases: 1) innovations into new technologies that keep court functions cutting-edge and timely and 2) the maintenance of existing software and hardware. Keeping anchor systems fresh over time, through license updates and software upgrades, is a cost of keeping court administration current. In FY 2013, 32 percent of Circuit Court operating expenses involved technology maintenance, a trend that is expected to increase over time as newer IT projects age and phase into maintenance status.

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Having pioneered court technology since the 1980s and as a responsible steward of a complex court, the Clerk of Court monitors and updates software licenses and replaces aging hardware using industry standards and best practices. In FY 2013, the five largest Circuit Court operating expenses all involved software maintenance. Circuit Court commits to IT maintenance as a form of responsible Court administration, thereby offering award-winning IT solutions to the bench, the bar, and the citizen.

Court Public Access Network: CPAN

Court Public Access Network (CPAN) is the master, unified system that Circuit Court uses to publish the complete record of all land transactions and to offer the community access to an extract of all the civil and criminal cases before this Court. By virtue of §17.1-276 of the Virginia Code, the Clerk offers this CPAN service to the community through a subscription agreement; the citizen-subscriber enjoys 24-hour, remote access to the digitized recorded history of Fairfax. The Clerk's office also makes CPAN available on-site at the courthouse on 35 computer terminals, so that the public may access CPAN at no cost. In the digital age, and as custodian of the public record, the Clerk of Court must keep safe all images of every real property conveyances of interest housed in CPAN. At the end of FY 2013, the Clerk was custodian of over 44,986,502 digital images, making Circuit Court's digital public record the largest Oracle database in Fairfax County. With the decrease in 30-year fixed Mortgage rates to less than 4.0 percent through much of 2012 and 2013, Circuit Court's Land Records Division saw an uptick in direct and inverse proportion; as interest rates lowered, land transfers increased. In order for the public to access those digitized documents, Circuit Court must maintain and upgrade the operating systems that store these digital images. Moreover, because the servers that store these land document images make them available to the public on a 24-hour basis without any interruption in access, the software system and hardware must be upgraded with regularity. In that same fiscal year, there was a slight uptick in the number of subscribers to CPAN, an increase of 2.1 percent from the previous year. While many of these users are title companies that do a high volume of business in the Land Records division of Circuit Court, the total also includes many Fairfax citizens who want to utilize the CPAN case summary function, which allows the public to review basic information on the approximately 24,000 cases Circuit Court takes in every year. For every interaction or bit of research the citizen can do remotely, CPAN saves them a trip to the courthouse, and reduces court traffic, as well as automobile traffic, in Fairfax.

Update to Web-Based Case Management

Yet another prime example of on-going maintenance and regular updating of mature technology initiatives is seen in the current upgrade to a web-based case management system for Circuit Court. The Fairfax Circuit Court is the busiest in Virginia, and a docket this large requires a comprehensive case management system that allows the Clerk's staff to manage the complex case hearings schedule, set trials, notify parties, conform to state Code timelines, and execute orders of the Court. For over 10 years, the Court has used case management software, getting routine system "version updates" every few years. In FY 2014, the software system is undergoing a technological renovation, including migrating the entire case management system to a more robust, web-based platform. Because trends in the IT industry are making web-based computing the norm, this migration is a part of the natural evolution of a large case management system that has served Fairfax well. Once the web-based case management system is operational, the next phase will be to extend remote, electronic filing to the court-side, implementing "E-Adjudication." The Clerk's office anticipates having a publically-facing E-file portal that allows the bar and citizens to log-on, pay any filing fee, and send their complaint or motion to the Clerk's office after hours and at their convenience.

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Radio Frequency ID: Repurposing RFID Technology

Currently, in a paper-heavy work environment, litigation files travel all over the inside of the courthouse; intake, storage, chambers, the hearing room, and then back to shelving. In order to improve efficiency, Circuit Court invested in a bar-code system that tags each case-numbered file with a radio frequency identification device (RFID), allowing staff to type in the case number and identify where the case files or exhibits are physically located. RFID has made an incredible difference in administrative efficiency. The time spent by staff looking for files has been significantly reduced. However, as the Clerk's office moves to e-filing pleadings, motions, and other court documents, there will be a significant reduction in paper files over the next five years, and RFID will eventually become obsolete for tracking files. In response, Circuit Court will repurpose the RFID technology for tracking the chain of custody for exhibits and evidence submitted during trials.

Court Digital Audio Recording: CDAR Project Matures to Perpetuation

Court Digital Audio Recording is the sound system hardware that allows 5 of the 15 courtrooms to provide near real-time streaming of the court proceedings. While not part of the official public record, these digital audio files are an incredible tool for internal administrative efficiency. They allow clerks to queue up portions of hearings where the judge directed certain actions, set certain dates for future court appearances, and issued other bench orders that must be rendered into the case management system by staff.

Electronic Filing System in Land Records: EFS Pioneering Remote Submission

So much of the story of the Clerk's office current technology is a function of what Virginia practitioners understand as the two wings of the Circuit Court. There is the "court-side" which includes the 15 Circuit judges and the criminal and civil cases they hear. Secondly, is the Land Records wing of the Clerk's office, which is not adjudicative, but more ministerial in nature. While the Virginia Supreme Court controls the procedures and practice of the court-side, the General Assembly controls the land records through legislation. In 2007, the Clerk's Office launched an Electronic Filing System (EFS) to supplement the existing Court Automated Recording System (CARS). These systems allow attorneys, title and mortgage companies, lenders, and other trusted partners to present a document for recordation remotely from their work or home computer. Currently, EFS technology requires certain of the closing documents to be scanned first and then sent electronically by the law office or lender. However, new, third-party vendors are coming on to the scene to package "born-digital" closing documents and present them for recordation, making EFS even easier to use. Approximately 18 percent of all the land transactions are recorded electronically. Once e-recordings open up to the new cottage industry of born-digital document packagers, over half of recordings will likely be electronic.

Meaningful/Equal Access

Circuit Court is ever-improving the ease and convenience of doing Court business for Fairfax residents, often by offering remote, electronic means. Access to the court needs to not only be convenient, but must also be meaningful. Nearly one in five Americans speaks a language other than English at home, and in Fairfax County that number is higher. Circuit Court provides a very high quality of service to ensure equal access to the judicial system for all people, regardless of their command of the English language. Circuit Court employs many multilingual administrative staff in the Civil, Criminal and Public Service Divisions, who help explain legal forms, answer procedural questions and provide basic court information. Multilingual Circuit Court staff greets millions of public users every year, as they work the front information desk at entrance to the courthouse, directing citizens to destinations in Juvenile and Domestic Relations Court, General District Court, and Circuit Court.

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In all criminal cases and in some civil cases, Circuit Court is obligated by law to provide language interpreters, if a language barrier exists. To ensure meaningful and equal access justice, the Clerk's office provides interpreters for over 34 different languages. The Virginia Supreme Court certifies all of the Court's Spanish interpreters and the Court uses approved, trained and qualified interpreters for all other languages. In addition, the Clerk's office provides sign language interpreters for both civil and criminal cases through the Virginia Department of Deaf and Hard of Hearing.

Clerk Staff Development

In the next three years, Circuit Court is expecting to lose a substantial portion of senior-level staff to retirement. Circuit Court is cross-training and building capacity, arming current employees with new skills and knowledge and recruiting tomorrow's court leaders. Many best practices for state courts are established by national court associations and land records groups. The Clerk's office regularly sends staff to be trained on legal practice standards. As a Circuit Court in the Commonwealth, the Clerk's office is subject to Rules and Practices established by the Virginia Supreme Court, so the Court also sends emerging leaders to various Supreme Court training seminars. In addition to specific legal and procedural trainings, Circuit Court staff is improving their computer software and critical problem-solving skills, apace with the Court's emerging technology portfolio. Circuit Court believes in a culture of responsibly developing entry-level staff and new hires as they inevitably rise up through the Circuit Court. Responsible internal administration of the Circuit Court calls for providing these ascending leaders with supervisory and management training offered locally by the County, as well as the commensurate legal training offered state-wide and nationally.

As the Circuit Court implements a vision of "E-Adjudication," adding the Court-side E-file to the EFS system on the Land Records-side, it will have to shift some business practices and increase computer training of administrative staff, so that they keep their skillset current with the office's new technology. Proper training, which includes offering meaningful computer classes, is important. With comprehensive subject matter cross-training and ever-improving skillsets, Clerk's staff will fortify Circuit Court's infrastructure and capacity to accomplish its forward-looking mission.

Circuit Court and Records

Budget and Staff Resources

Category	FY 2013 Actual	FY 2014 Adopted	FY 2014 Revised	FY 2015 Advertised
FUNDING				
Expenditures:				
Personnel Services	\$8,318,746	\$8,463,676	\$8,601,376	\$8,572,708
Operating Expenses	1,976,129	1,998,576	2,036,827	2,010,576
Capital Equipment	23,691	0	0	0
Total Expenditures	\$10,318,566	\$10,462,252	\$10,638,203	\$10,583,284
Income:				
Land Transfer Fees	\$26,322	\$24,000	\$27,100	\$27,650
Courthouse Maintenance Fees	34,664	42,390	34,664	34,664
Circuit Court Fines and Penalties	140,533	153,612	140,533	140,533
Copy Machine Revenue	82,304	71,436	71,436	71,436
County Clerk Fees	6,090,772	5,392,416	5,979,269	5,979,269
City of Fairfax Contract	206,636	206,636	184,861	184,861
Recovered Costs - Circuit Court	108	200	200	200
CPAN	320,791	317,606	324,090	327,300
State Shared Retirement - Circuit Court	176,465	171,033	176,465	176,465
Total Income	\$7,078,596	\$6,379,329	\$6,938,618	\$6,942,378
NET COST TO THE COUNTY	\$3,239,970	\$4,082,923	\$3,699,585	\$3,640,906
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	139 / 139	139 / 139	139 / 139	139 / 139
Exempt	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15

FY 2015 Funding Adjustments

The following funding adjustments from the FY 2014 Adopted Budget Plan are necessary to support the FY 2015 program.

- ◆ **Employee Compensation** **\$109,032**
 An increase of \$109,032 in Personnel Services reflects funding for a 1.29 percent market rate adjustment for all employees in FY 2015, effective July 2014.
- ◆ **PC Replacement** **\$12,000**
 An increase of \$12,000 is included for PC replacement charges to reflect both updated inventory counts and revised costs, primarily associated with licenses and software requirements, following the review of the PC Replacement Program conducted in FY 2014.

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Changes to FY 2014 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2014 Revised Budget Plan since passage of the FY 2014 Adopted Budget Plan. Included are all adjustments made as part of the FY 2013 Carryover Review, and all other approved changes through December 31, 2013:

◆ **Carryover Adjustments** **\$175,951**

As part of the FY 2013 Carryover Review, the Board of Supervisors approved funding of \$175,951, including \$137,700 in Personnel Services for a one-time compensation adjustment of \$850 for merit employees paid in November 2013 and encumbered funding of \$38,251 primarily for software maintenance and support, computer monitors for public use, chamber renovations, and various other operating expenses.

Cost Centers

The Circuit Court and Records has five cost centers including Land Records and Public Services, Courtroom Operations, the Clerk's Office, Judicial Support and Civil Records.

Land Records and Public Services

This cost center exists to record, preserve, safeguard and provide access to all recorded documents and instruments pertaining to land, property and judgments. The Public Service division issues marriage licenses and processes notary public commissions and trade names. Probate services records and qualifies fiduciaries for estate, trust and guardianship matters.

Category	FY 2013 Actual	FY 2014 Adopted	FY 2014 Revised	FY 2015 Advertised
EXPENDITURES				
Total Expenditures	\$2,363,691	\$2,659,177	\$2,723,119	\$2,687,775
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	40 / 40	40 / 40	39 / 39	39 / 39
1 Management Analyst II	4	Admin. Assistants IV	1	Assistant Archivist
1 Admin. Associate	21	Admin. Assistants III	2	Legal Records/Services Managers
7 Admin. Assistants V	2	Admin. Assistants II		
TOTAL POSITIONS				
39 Positions /39.0 FTE				

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Judicial Support

This Cost Center provides full administrative support and clerical services to the Judges of the 19th Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2013 Actual	FY 2014 Adopted	FY 2014 Revised	FY 2015 Advertised
EXPENDITURES				
Total Expenditures	\$978,375	\$1,293,938	\$1,315,388	\$1,310,321
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	2 / 2	2 / 2	2 / 2	2 / 2
Exempt	15 / 15	15 / 15	15 / 15	15 / 15
State	15 / 15	15 / 15	15 / 15	15 / 15
<hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1 Chief Judge S</p> <p>14 Judges S</p> <p>15 Judicial Law Clerks E</p> </div> <div style="width: 45%;"> <p>1 Administrative Assistant V</p> <p>1 Administrative Assistant IV</p> </div> </div>				
TOTAL POSITIONS		E Denotes Exempt Position		
32 Positions / 32.0 FTE		S Denotes State Position		

Civil Records

This cost center is responsible for records management and the coordination of the retention and archiving of cases. It also processes the filing of new civil cases and subsequent documents to ensure efficient and timely resolution of civil cases brought before the Judges of the 19th Judicial Circuit.

Category	FY 2013 Actual	FY 2014 Adopted	FY 2014 Revised	FY 2015 Advertised
EXPENDITURES				
Total Expenditures	\$2,011,861	\$1,714,131	\$1,751,531	\$1,736,243
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	44 / 44	44 / 44	45 / 45	45 / 45
<hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1 Management Analyst II</p> <p>2 Legal Records/Services Managers</p> <p>3 Administrative Assistants V</p> </div> <div style="width: 45%;"> <p>4 Administrative Assistants IV</p> <p>25 Administrative Assistants III</p> <p>10 Administrative Assistants II</p> </div> </div>				
TOTAL POSITIONS				
45 Positions / 45.0 FTE				

Circuit Court and Records

Key Performance Measures

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate/Actual	FY 2014	FY 2015
Land Records and Public Services					
Percent change in time to return documents	57%	127%	(60%)/ 28%	(22%)	0%
Percent change of CPAN connections	0.0%	0.0%	0.0%/4.0%	0.0%	0.0%
Percent change in waiting time	200.0%	(26.6%)	(9.1%)/31.8%	(31.0%)	0.0%
Courtroom Operations					
Percentage point change in juror utilization rate	(1)	(1)	1/2	0	0
Clerk's Office					
Percentage change in number of requests (phone & email) received	7%	1%	(18%)/(6%)	(2%)	0%
Civil Records					
Percentage point change of DCTP Law caseload concluded within one year	3	0	0/(4)	4	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	(1)	0	0/(1)	1	0

A complete list of performance measures can be viewed at www.fairfaxcounty.gov/dmb/fy2015/advertised/pm/80.pdf

Performance Measurement Results

As a Virginia Constitutional Officer, the Clerk of Court to the 19th Judicial Circuit serves all residents of the City of Fairfax and Fairfax County. Court users include litigants, attorneys, jurors, title companies and members of the public who are seeking a marriage license, to record real estate deeds, to probate a will, or to become a notary.

Fairfax Circuit Court is the busiest and largest Circuit in the Commonwealth of Virginia. While the recession continues to force an environment of personnel hiring austerity, Circuit Court has still been able to meet most performance objectives. For example, the percentage of DCTP Domestic cases (mostly divorce) finalized within 15 months of the suit being filed remained at a very high 97 percent. This was one percentage point lower than the estimated 98 percent, but still well exceeded the Commonwealth average of 90 percent. In spite of the fact that Circuit Court has such a high volume of domestic cases, Fairfax surpasses state-wide goals.

In Fiscal Year 2013, the number of criminal prosecutions and civil litigations being adjudicated, as well as the ministerial intake of applications and wills, remained largely consistent with the exceptions being land recordings and concealed weapon permit (CWP) applications. Real estate recordings are always the Circuit Court's most dynamic metric category, and the Court saw a 17 percent increase in the total land transactions recorded in FY 2013, over FY 2012. This resulted in a 28 percent increase in turnaround time in returning recorded documents; however, it is anticipated that the level of real estate/land recordings activity and the turnaround time will return to previous levels in FY 2014 and FY 2015.

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Though not directly summarized in the performance measures data, another area of significant growth that has put substantial pressure on the Court's civil section is the increased number of concealed weapon permit (CWP) applications. Prior to December 2012, the Clerk's office received roughly 500 concealed weapon permit (CWP) applications per month. That number has increased significantly. In November 2012 the Clerk's office took in 503 CWPs, and only 60 days later, in January 2013 1,216 CWPs were filed - almost triple. On an annual basis, the FY 2013 numbers reflect a 40 percent increase over FY 2012. Virginia Code §18.2-308(D) requires the Court to issue a CWP permit, unless it is determined that the applicant is disqualified or the application is incomplete, within 45 days from receipt of application. Because of this statutory deadline and the increase in applications, the Clerk's office has had to reassign additional staff resources to this area, impacting other services in the Court's civil section.

Despite these challenges, as well as others that come with operating in a constrained budgetary environment, the Circuit Court continues to strive for high performance. While some performance targets were not achieved, this is due in part to the high standards the Court sets for itself, in many cases well above State guidelines. The Court will continue to do everything within its control to maintain the high standards of service, information dissemination, and case dispositions for which the Court is known.