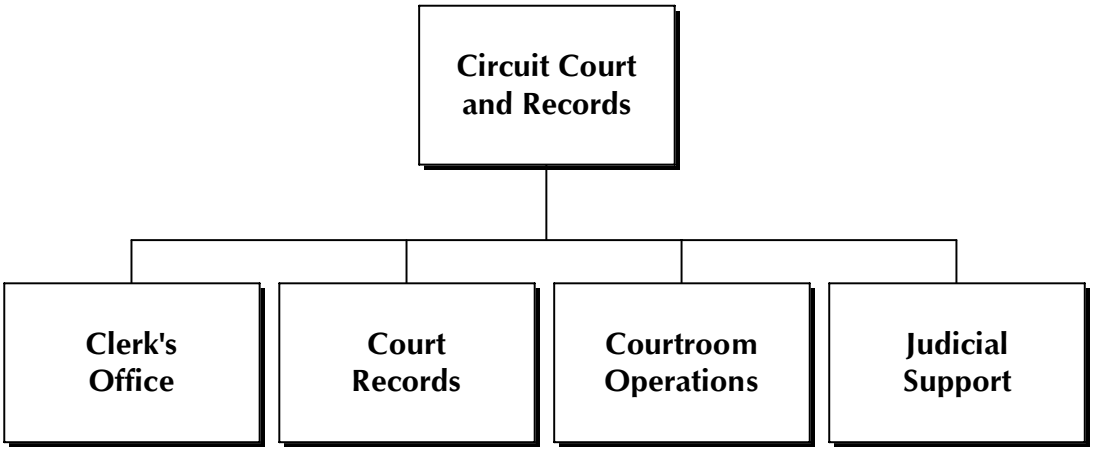
# Circuit Court and Records




## 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.

## Focus

The Circuit Court has jurisdiction in Criminal and Civil cases and provides appellate authority in which an appeal may be taken from a lower tribunal. Criminal cases involve a possible sentence to the State Penitentiary and misdemeanor appeals. Civil jurisdiction provides for adoptions, divorces, and controversies where the claim exceeds $15,000. Public services include issuance of marriage licenses, processing notary commissions, probating wills, recording business certification of any trade names, and docketing judgments. The Circuit Court collects recordation taxes and provides true copies of documents that are of record in this office. Public access of court records are available on site or through the Court's Public Access Network, a secure remote access system known as CPAN.

The Land Records Division recorded 354,688 documents in FY 2006 generating $9,415,440 in revenue. The number of documents represents a decrease of 6 percent from FY 2005. As anticipated last year, the number of Deeds of Trust and Certificate of Satisfaction recorded has decreased due to a slowdown in the number of refinances due to rising interest rates. It is anticipated that in FY 2007 and FY 2008, the number of recordings will be at a similar level as experienced in FY 2006.

***THINKING STRATEGICALLY***

Strategic issues for the department include:

- Developing workforce plans to address increasing workload requirements;
- Leveraging technology to provide for increased efficiencies throughout the Court; and
- Improving communications and cultural diversity by hiring a diverse workforce and establishing a formal internship program.

Land Records also recorded 12,935 documents electronically in FY 2006. This represents 11 percent of the total Certificates of Satisfaction (120,980) that were recorded. Certificates of Satisfaction are the only documents recorded electronically at this time. The electronic recording of documents will continue to grow proportionately as it becomes a widely accepted practice in the industry and as the document types available for electronic filing expands pursuant to the new Uniform Real Property Electronic Recording Act (URPERA). A total of 58,504 Certificates of Satisfaction have been recorded electronically since the inception of the process. As the number of documents recorded electronically increases, the collection of recordation fees and recordation of documents will become more efficient. An initiative of the Clerk's Office is to create an electronic filing system that will be capable of recording all document types in a format that will be accessible to large and small businesses. This system should be implemented in calendar year 2007.

The Circuit Court is continuing its initiative to create a higher performing organization and has refined its vision into a blueprint that will demonstrably meet aggressive performance targets. The major focus areas of the projects will reflect changes to the organization's components: people, processes and technology. Changes to the components will be tested, measured and modified to ensure that they achieve the intended results.

Annual juror questionnaires became available on-line in September 2005. A total of 7,698 citizens completed the juror questionnaires on-line for the first time. In August 2006, more than 9,200 citizens answered the questionnaire within the first month of receipt. Circuit Court sent 45,000 questionnaires to the residents of Fairfax County and Fairfax City as the initial step in creating the 2007 jury pool. In addition, jurors also now have the capability to postpone their jury term or change addresses interactively through the phone system, relieving staff of time consuming tasks. These improvements provide increased availability, efficiency, and convenience for the citizens of Fairfax County and Fairfax City.

A new organizational structure has been developed with an emphasis on aligning similar functions throughout the Court. Positions have been abolished and re-established to create continuity between divisions, to provide a career path for staff, to add functionality, and to participate in strategic and succession planning.

In addition, the Circuit Court processes are also being studied, measured, and modified or adjusted to eliminate redundancies, backlogs, bottlenecks, and complex processes. The development of the Continuity of Operation Plan (COOP) is ongoing and will continue throughout the year.

The population of Fairfax County is becoming increasingly more diverse and so are the customers of the Courts. As a result, the Clerk's Office has taken steps to better serve the non-English speaking population. These steps include the development of standards for foreign language interpreters, and the better utilization of multilingual staff members. Additionally, in order to ensure that the interpreters used by the Courts maintain and enhance their interpretation skills, the Circuit Court provides a continuing education program for foreign language interpreters. This training session covers the Canons of Ethics that all interpreters must follow as well as a review of courtroom protocol.

# Circuit Court and Records

## Budget and Staff Resources

| Agency Summary | | |
|---|---|---|
| **Category** | **FY 2007 Actual** | **FY 2008 Adopted Budget Plan** |
| Authorized Positions/Staff Years | | |
| Regular | 137/ 137 | 137/ 137 |
| Exempt | 24/ 24 | 24/ 24 |
| State | 15/ 15 | 15/ 15 |
| Expenditures: | | |
| Personnel Services | $7,566,057 | $8,351,336 |
| Operating Expenses | 2,257,470 | 2,099,576 |
| Capital Equipment | 27,038 | 0 |
| **Total Expenditures** | **$9,850,565** | **$10,450,912** |
| Income: | | |
| Land Transfer Fees | $29,232 | $36,533 |
| Courthouse Maintenance Fees | 4,742 | 6,065 |
| Circuit Court Fines and Penalties | 178,908 | 156,444 |
| Copy Machine Revenue | 70,756 | 79,946 |
| County Clerk Fees | 10,013,191 | 9,161,234 |
| City of Fairfax Contract | 43,855 | 45,992 |
| Recovered Costs - Circuit Court | 217 | 935 |
| CPAN | 413,348 | 326,970 |
| State Shared Retirement - Circuit Court | 101,246 | 97,740 |
| **Total Income** | **$10,855,495** | **$9,911,859** |
| **Net Cost to the County** | **($1,004,930)** | **$539,053** |

## SUMMARY OF ALL AGENCY LOBS (FY 2008 Adopted Budget Data)

| *Number* | *LOB Title* | *Net LOB Cost* | *Number of Positions* | *LOB SYE* |
|---|---|---|---|---|
| 80-01 | Administration/Circuit Court and Records | $1,883,526 | 22 | 22.0 |
| 80-02 | Judicial Support | $1,306,019 | 19 | 19.0 |
| 80-03 | Civil Case Intake | $563,305 | 24 | 24.0 |
| 80-04 | Criminal Court Management | ($323,345) | 14 | 14.0 |
| 80-05 | Civil Case Management | $407,245 | 7 | 7.0 |
| 80-06 | Court Records Management | $591,984 | 12 | 12.0 |
| 80-07 | Courtroom Case Management and Operations | $1,405,463 | 21 | 21.0 |
| 80-08 | Public Services | ($112,257) | 8 | 8.0 |
| 80-09 | Probate | $37,420 | 8 | 8.0 |
| 80-10 | Land Records | ($5,341,801) | 24 | 24.0 |
| 80-11 | Jury Management | $121,494 | 2 | 2.0 |
| **TOTAL** | | **$539,053** | **161** | **161.0** |

# LOBS SUMMARY

## 80-01: Administration/Circuit Court and Records

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| *LOB #: 80-01* | *Administration/Circuit Court and Records* |
| Personnel Services | $1,740,381 |
| Operating Expenses | $286,877 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $2,027,258 |
| Federal Revenue | $0 |
| State Revenue | $97,740 |
| User Fee Revenue | $0 |
| Other Revenue | $45,992 |
| **Total Revenue:** | $143,732 |
| **Net LOB Cost:** | $1,883,526 |
| | |
| Positions/SYE involved in the delivery of this LOB | 22 / 22.0 |

### ► LOB Summary

To effect the efficient management of the various components and employees of the Clerk's office in order to produce efficient and effective service to the legal community and the general public.

The Clerk of the Court is an elected Constitutional Officer. In addition to the services provided to the constituents of Fairfax County, the City of Fairfax and the Towns of Vienna, Herndon and Clifton, the Clerk's office provides administrative support to the 15 Circuit Court Judges.

The Administrative Support Staff provides the leadership and administrative skills necessary to promote public service, implement innovative technologies and best practices, and to administer budgetary, purchasing and financial requirements. Interaction with other County agencies as well as with state agencies is required in most of these areas. Special projects such as the Courthouse Expansion project are also under the purview of the Administrative Support Staff.

The systems staff presently is comprised of 7 merit employees and 1 Limited term position. In addition to the 300 desktop computers in this agency (staff and public) there are servers, back-up equipment and software that this technical staff maintains. A 'Help desk' supports remote access through CPAN. Currently there are 2194 users in more than 36 states, District of Columbia, Philippines and India. This has grown from 505 users in 2004, 1,158 in 2005 and 1,192 in 2006. In addition support is given to the staff of almost 200 (merit, limited tem and judges) within the Circuit Court. This staff has also been called upon to make special presentations on Courtroom Technologies and Land Records management technologies.

The Accounting section reviews all Court orders directing disbursement of funds by the clerk to ensure compliance with legal and accounting requirements. In addition, this section maintains records and documentation for all bank accounts; processes Purchase Requisitions and enters

Receiving Reports for supplies, equipment and services required by the agency; acts as a liaison with the bank personnel and the Supreme Court of Virginia in resolving financial problems; maintains budget files and expense ledgers to record expenditures and monitor balances; reviews and interprets the daily, monthly and non-periodic generated reports; and assists in retrieval and interpretation of accounting records in conjunction with annual audit by the Auditor of Public Accounts.

## ▶ Method of Service Provision

Merit County employees and exempt positions comprise the staff of the Administration Section of the Circuit Court.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 12, for the specific state code and a brief description.

# 80-02: Judicial Support

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| ***LOB #: 80-02*** | ***Judicial Support*** |
| Personnel Services | $1,058,240 |
| Operating Expenses | $247,779 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $1,306,019 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $0 |
| **Total Revenue:** | $0 |
| **Net LOB Cost:** | $1,306,019 |
| | |
| Positions/SYE involved in the delivery of this LOB | 19 / 19.0 |

## ▶ LOB Summary

The Judicial staff provides administrative assistance to 15 state positions, the Circuit Court Judges. In addition, the County is mandated to supply the court with a courthouse, supplies and personnel to assist the judges in their duties. The Chief Judge has authority to close the courthouse under conditions which would constitute a threat to the health and safety of the Clerk's office personnel or the general public.

Each of the judges is assigned one law clerk. This has become necessary due to the increased workload of judges, the complexity of cases coming before the court and the judges' efforts to try

cases in an expeditious manner. Legal issues tried in this court have become more complex with the location of major corporations in Fairfax County.

The Circuit Court and other local courts provide tours for Fairfax County students throughout the school year. Also, business law classes, private and parochial schools, undergraduate and law school students as well as home schooled students and scouting groups have made a tour of the courts and the jail each year.

## ▶ Method of Service Provision

Judicial Support is comprised of merit employees of Fairfax County and 15 exempt positions which are law clerks who assist judges with research and briefings for civil cases. All of the 15 Judges are State employees and are paid by the State. Historically, the Law Clerks usually remain with the court one year, with the exception of two or three who chose to stay an additional year. This is beneficial to the leadership within the Law Clerk program.

Each Law Clerk assists a particular Judge with a variety of duties including research, drafting opinions, reviewing orders for errors or non-compliance with statutory requirements and answering public inquiries. Administrative Assistants assist the Judges in many areas including typing all written opinions, scheduling special hearings and supervising the main chambers area where attorney's come to speak with judges, request continuances, etc. This area is also the central area of processing and screening of phone calls for the 15 judges.

In addition, the administrative assistants assigned to this activity are responsible for the coordination of the program that conducts tours of the court, the jail and observation of trials is associated with Judicial Support. A mock trial is simulated each spring for elementary school students. This type of interaction with the school system is well received in the community and plays a vital role of educating the students about the judicial system.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 50 percent. See the 2007 Federal and State Mandates Report, page 12, for the specific state code and a brief description.

# 80-03: Civil Case Intake

| Fund/Agency: 001/80 | Circuit Court and Records |
|---|---|
| **LOB #: 80-03** | **Civil Case Intake** |
| Personnel Services | $1,125,413 |
| Operating Expenses | $319,505 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $1,444,918 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $881,613 |
| **Total Revenue:** | $881,613 |
| **Net LOB Cost:** | $563,305 |
| | |
| Positions/SYE involved in the delivery of this LOB | 24 / 24.0 |

## ► LOB Summary

The Civil Intake Section is where all new Law and Chancery cases originate and for issuance of court processes relating to new civil cases filed.

The Circuit Court has original jurisdiction for all civil suits involving $15,000 or more in controversy, as well as adoptions, appeals, confession of judgments, divorce, expungements, garnishments, name changes, restoration of driving privileges, filing of church trustees, concealed weapons permits, and any other miscellaneous law or chancery cases. In addition, the Circuit Court has a concurrent jurisdiction with the General District Court for cases involving between $1,000 and $15,000 in controversy.

This section is mandated to acknowledge receipt of case papers, assign a case file/number, index the newly filed case, prepare the case file, and issue subpoenas and prepare Orders of Publication, if applicable.

In this area the staff interacts mostly with attorneys or legal assistants with the exception of the 'Pro Se' litigants (appearing on behalf of him/herself). Many legal questions are asked of staff and Virginia law prohibits staff from giving any form of legal advice. However, the Clerk's office has developed procedural brochures for the public in areas of divorce, adoption, and probate all of which are on the Circuit Court website.

## ► Method of Service Provision

Civil Case Intake is comprised of merit employees of Fairfax County. Public Service, Civil Intake, and Probate fall under the category of 'Public Service' and have the same supervisory staff. However, each unit has distinct responsibilities and mandates.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 13, for the specific state code and a brief description.

# 80-04: Criminal Court Management

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| ***LOB #: 80-04*** | ***Criminal Court Management*** |
| Personnel Services | $592,658 |
| Operating Expenses | $176,054 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $768,712 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $1,092,057 |
| **Total Revenue:** | $1,092,057 |
| **Net LOB Cost:** | ($323,345) |
| | |
| Positions/SYE involved in the delivery of this LOB | 14 / 14.0 |

## ▶ LOB Summary

In criminal cases, the Circuit Court has jurisdiction over the trial of felonies offenses (punishable by confinement in prison) and of those misdemeanors (offenses carrying a penalty of not more than 12 months in jail) originating from grand jury indictments. The Circuit Court also has jurisdiction over juveniles, age 15 and older, who are charged with felonies and whose cases have been certified by the judge of a Juvenile and Domestic Relations District Court for trial in Circuit Court.

The Circuit Court has appellate jurisdiction over all appeals from General District Court and Juvenile and Domestic Relations District Court in criminal cases in matters originating in those courts. Appeals are heard *de novo*, that is, cases from these district courts are tried from the beginning as though there had not been a previous trial.

## ▶ Method of Service Provision

Merit County employees comprise the staff of the Criminal Court Management section.

Misdemeanors are appealed to the Circuit Court for a trial *de novo* by the defendant. Felony cases are brought to the Grand Jury by the Commonwealth. The Grand Jury decides whether there is sufficient evidence for indictment. The following day, all defendants and their attorneys appear at Criminal Term Day, before the Chief Judge. At that time, a trial date is set for all indictments

presented by the grand jury. Trial dates are all set within the 'term' of court (a 'term' of court consists of 60 days; there are six terms per year).

Criminal Court Management is ultimately responsible for monitoring and processing all criminal cases from initiation through final disposition. This entails indexing all felony and misdemeanor cases, issuing subpoenas, preparing records for Grand Jury and Criminal Term Day, answering correspondence, processing files after each court hearing, collecting and monitoring of fines, court costs and restitution. In addition, duties include disbursing restitution payments to victims, preparing court orders, filing, retention and destruction of all criminal evidence, preparing monthly reports to DMV, processing and preparing criminal files appealed to the Court of Appeals and the Supreme Court of Virginia and assisting the public at the counter and answering phone inquiries. Coordination and preparation of the daily criminal docket, the criminal sentencing docket, and the motions docket are also associated responsibilities of this staff.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 14, for the specific state code and a brief description.

# 80-05: Civil Case Management

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| ***LOB #: 80-05*** | ***Civil Case Management*** |
| Personnel Services | $315,958 |
| Operating Expenses | $91,287 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $407,245 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $0 |
| **Total Revenue:** | $0 |
| **Net LOB Cost:** | $407,245 |
| | |
| Positions/SYE involved in the delivery of this LOB | 7 / 7.0 |

## ▶ LOB Summary

Civil case jurisdiction requires that cases filed, be adjudicated and processed through the legal system pursuant to Virginia statutes and within guidelines set forth by the Supreme Court of Virginia. Programs such as the Neutral Case Evaluation (NCE) and Differentiated Case Tracking Programs (DCTP) have been established to conclude cases in a timely manner. These programs are instrumental in achieving the voluntary case processing guidelines adopted by the Judicial Council, which recommends the disposition of 90 percent of law cases filed within one year. Actual figures for FY 2007 show that the Circuit Court exceeds the recommended disposition time by 6 percent as

96 percent of cases are disposed of within one year of filing. In FY 2006 domestic cases were added to DCTP in addition to the law cases, which had been the only case type tracked, since the inception of DCTP. In 2008 the domestic cases will be identified separately from the law cases. This will present are more accurate depiction of performance of the two types of cases.

Preparation of the master calendar for 15 judges along with setting and maintaining the daily dockets are highly critical areas in achieving efficiency in court administration for the 15 Judges of the Nineteenth Judicial Circuit.

A Performance Measurement objective for this LOB is to maintain a final disposition rate of 96 per cent for Domestic cases finalized within 15 months of the initial filing date. The state average is 90 per cent and the voluntary case processing guidelines adopted by the Judicial Council recommend 98 per cent disposition filed within 18 months of initial filing. In addition, to maintain a final disposition rate of 82 per cent for Law cases finalized within 12 months of the initial filing date. The state average is 75 per cent and the voluntary case processing guidelines adopted by the Judicial Council recommend 90 per cent disposition filed within 12 months of initial filing.

## ► Method of Service Provision

Merit county employees perform the functions required of these programs. One grant position is assigned to the Neutral Case Evaluation program and is partially funded yearly by the Supreme Court of Virginia.

A Civil Motions Day Docket is conducted on Fridays in which an attorney schedules various civil motions before the Judges to be resolved prior to their scheduled trial dates. Any attorney can submit a praecipe placing a matter on the Civil Motions Docket. A time limit of 30 minutes is placed on these motions. The docket clerk prepares and assigns Judges to hear these matters. The Judge's Law Clerk reviews and briefs the motions prior to the Friday Motions day. Civil and criminal motions and criminal sentencing are the only matters heard on Fridays. Trials and most pre-trial hearings are held on Monday through Thursday.

Progress of cases is monitored and interim hearings are scheduled which accounts for an additional docket. In divorce proceedings where custody is an issue, mediation is required. This involves viewing a required film which briefly explores the issue of custody and the impact of divorce and custody litigation on the children. If there is alleged abuse, drugs or a threat of kidnapping, the mediation requirement is waived. The 'Ore Tenus' program enables couples who have worked out a mutually acceptable property settlement agreement, and custody is not an issue, to expedite the process and forego the expense of a Commissioner in Chancery.

The Master Trial Calendar provides available trial dates for the Courts entire civil and criminal dockets. These trial dates are furnished to the Judges for Calendar Control matters, such as attorneys requesting new trial dates (i.e., Continuances, emergency matters, etc.) as well as providing calendar dates for the NCE, DCTP, Ore Tenus, and mediations Programs.

The overall goal of these programs is to provide strategic mechanisms to meet future caseload demands of the court and to promote overall Court efficiency.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 13, for the specific state code and a brief description.

# 80-06: Court Records Management

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| ***LOB #: 80-06*** | ***Court Records Management*** |
| Personnel Services | $442,012 |
| Operating Expenses | $149,972 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $591,984 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $0 |
| **Total Revenue:** | $0 |
| **Net LOB Cost:** | $591,984 |
| | |
| Positions/SYE involved in the delivery of this LOB | 12 / 12.0 |

## ▶ LOB Summary

In accordance with the provisions of the Code of Virginia, Court Records Management records, preserves, safeguards and provides convenient access to all civil case records pertaining to matters brought before the court. After initial filing of a case, the Records Management Division is responsible for all case processing through final disposition and archiving.

## ▶ Method of Service Provision

Court Records Management is comprised of merit employees of Fairfax County and occasionally, exempt limited-term employees.

Interaction takes place between the staff and the public from 8:00 a.m. until 4:30 p.m. both at the Judicial Center and at the Circuit Court Off-site Records Center. Approximately 3,500 civil records located at the Judicial Center are pulled and reviewed each month by lawyers, members of the public and representatives from federal and County agencies. The motions and trial dockets require files from the Civil Records Department on a weekly basis. This accounts for approximately 480 files to be pulled and located monthly. These files are the permanent record of the court and contain all pleadings and orders. All pleadings and orders are indexed into the computer by staff, then copied and microfilmed as required by the Code of Virginia.

The Off-Site Records center houses in the excess of 750,000 files (including some old General District files) along with 1,600 boxes of court documents such as search warrants, grand jury orders, court reporter notes, accounting receipts, juror questionnaires, election ballots, etc. Approximately 1,000 large land books, lien books, and indexes are located at this facility.

In addition, Court Records Management encompasses staff responsibilities for phone inquiries of all civil case status, processing adoption requirements, date stamping and distributing incoming mail, retention and destruction of civil exhibits, processing appeals to the Court of Appeals and the Virginia Supreme Court, pulling files and submitting orders to the judges for signature, processing all final decrees of divorce, preparing files for two year docket call, processing concealed weapon permits, writs of habeas corpus and mandamus, expungements, juvenile appeals cases from the Juvenile and Domestic Relations District Court (JDRDC), prepares monthly reports to the State, and assists the public at the front counters.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 14, for the specific state code and a brief description.

# 80-07: Courtroom Case Management and Operations

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| *LOB #: 80-07* | *Courtroom Case Management and Operations* |
| Personnel Services | $1,125,084 |
| Operating Expenses | $280,379 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $1,405,463 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $0 |
| **Total Revenue:** | $0 |
| **Net LOB Cost:** | $1,405,463 |
| | |
| Positions/SYE involved in the delivery of this LOB | 21 / 21.0 |

## ▶ LOB Summary

Courtroom case management and operations encompasses the clerks that assist the judges in the courtroom to ensure proper procedure is being followed.

For each Circuit Court Judge, a courtroom clerk is assigned. The courtroom clerk is trained to handle criminal and civil trial procedures. Each courtroom clerk is the official record keeper in the courtroom. This means keeping detailed notes of trial procedure. The Clerk follows the trial from

beginning to the end and is responsible for handling all exhibits admitted during a trial. If the trial is to be before a Jury, the courtroom clerk is to keep track of all selected Jurors, presenting the oath to those jurors who have been selected and send all stricken jurors back into the jury pool for possible selection in another case. Some cases involve handling weapons, drugs, cash, or items of value. Other cases can involve complex litigation that often has hundreds of exhibits presented during the trial. The courtroom clerk must maintain a chain of custody on admitted exhibits and secure these exhibits in a safe place. If an appeal is filed in a case, the courtroom clerks' notes are used by the appeals clerk in preparation of sending the file to the Court of Appeals or Supreme Court.

Outside the Courtroom, the Clerk must present an order for the Judges signature. This order is to reflect all details of the trial and must be accurate. The follow up paperwork from a trial includes preparing an order for signature, preparation of sentencing guidelines, payment of court appointed attorneys, interpreters, and Guardian ad Litems. In addition, preparing the file for return to the file room and logging in exhibits is a responsibility of a court clerk.

The court clerk deals with many outside agencies and must be familiar with various code sections to ensure that proper procedure is followed in dealing with the different agencies in handling anything from transporting prisoners to movement of an inmate to a hospital for evaluation. Primary contacts are with the Sheriff's Depart, Office of Probation and Parole, Alcohol and Drug Services, and the Forensics Unit both locally and within the Commonwealth of Virginia.

## ▶ Method of Service Provision

Merit employees comprise the staff of Courtroom Case Management and Operations. There is little flexibility when cases go longer than 4:30 p.m., therefore, overtime is incurred when the situation presents itself.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 76-100 percent. See the 2007 Federal and State Mandates Report, page 14, for the specific state code and a brief description.

# 80-08: Public Services

| Fund/Agency: 001/80 | Circuit Court and Records |
|---|---|
| **LOB #: 80-08** | **Public Services** |
| Personnel Services | $290,986 |
| Operating Expenses | $97,808 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $388,794 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $501,051 |
| **Total Revenue:** | $501,051 |
| **Net LOB Cost:** | ($112,257) |
| | |
| Positions/SYE involved in the delivery of this LOB | 8 / 8.0 |

## ▶ LOB Summary

In accordance with the provisions of the Code of Virginia, the Public Services Division assists the public and answers questions concerning court procedures. In addition, this division records fictitious and financing statements, issues marriage licenses, and processes passport and notary applications. There is a very high volume of customer service involvement in this section. With the implementation of Court Automated Retrieval System (CARS) the documents recorded in the Public Services section are retained in a digitized format and made available to the public at the courthouse in a user friendly format in a day-forward time frame.

The staff from this section interacts mostly with public that have little or no knowledge of court or judicial procedures. This area is the sole location for obtaining a marriage license in Fairfax County. In FY 2007, 5,438 marriage licenses were processed. At least two individuals must be present to apply for a marriage license and in many cases an entire family will accompany the bride and groom. This can lead to congestion and confusion with the couples when clarifications are being made about the process. After the marriage has taken place the couples return to obtain a certified copy of the license for personal reasons.

Due to the diversity of the County, staff continues to be faced with language barriers in communicating with the public. Several positions in this area have multi-lingual capabilities as a minimum requirement for employment.

The staffing at the Information Desk presently falls under the responsibility of the Public Service management. However, when the expanded courthouse is complete, this staffing will be assigned to the Office of Public Affairs. The courts currently in this building have been collaborating with OPA to provide information from the courts to assist with the training of these critical positions who serve the entire courthouse. Language diversity is an enormous driver with the hiring of the positions of which one of the two staff persons assigned to this desk is required to speak Spanish. The second position is preferred to be multi-lingual. Attempts are made to hire individuals who

speak several different languages. This desk is responsible for answering questions from the public, both in person and by phone. In addition, staff directs the public to the correct courtroom, to specific agencies within the judicial center, to other governmental agencies within the Public Safety Center (PSC) as well as outside of the PSC, such as the Government Center.

## ▶ Method of Service Provision

Merit employees comprise the staffing of this section. Public Service, Civil Intake and Probate all fall under the category of "Public Service" and have the same supervisory staff. However, each unit has distinct responsibilities and mandates.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 15, for the specific federal or state code and a brief description.

# 80-09: Probate

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| ***LOB #: 80-09*** | ***Probate*** |
| Personnel Services | $447,184 |
| Operating Expenses | $91,287 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $538,471 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $501,051 |
| **Total Revenue:** | $501,051 |
| **Net LOB Cost:** | $37,420 |
| | |
| Positions/SYE involved in the delivery of this LOB | 8 / 8.0 |

## ▶ LOB Summary

The Probate Section is responsible for all fiduciary matters. This includes the probate and administration of estates whether testate or intestate (with or without a will), the appointment of guardians and conservators over minors or incapacitated adults and the filing of wills for safekeeping.

The performance measurement objective for this LOB is to maintain an average fiduciary appointment waiting time of one week in order to serve the probate needs of Fairfax County and Fairfax City residents in a timely manner.

Fiduciary matters include the probating of a will, appointment of executors, administrators, curators, guardianship and conservatorship. An appointment of a Fiduciary is the Clerk appointing someone in a position of trust with respect to another's property. In both testate (with a will) or intestate (without a will) cases, staff must interpret and apply Virginia statutes relating to Probate matters, in order to make specific legal determinations. Staff also uses Opinions of the Attorney General for guidance. Appropriate information must be available in order to disseminate the proper paper work for the documents to be recorded with the Will and the Fiduciary Book.

For Guardianship and Conservator matters, the jurisdiction determination must be made and once again Virginia Code sections and Attorney General Opinions are referenced. In these matters the court enters an order appointing as such and sets an appropriate bond. The clerk must determine, based on the information provided, if the bond set by the court is sufficient. The clerks do this to protect the liability of the Judge. In accordance with the statute, all orders appointing a Guardian and or Conservator must be processed for recordation in the Will and Fiduciary Book.

The clerks are responsible for processing all Inventory, Accounting, Debts and Demand Reports, exceptions to the commissioners report, filed in testate, intestate and guardianship matters within the statutory time frame. After processing they are recorded in the Wills and Fiduciary Book. If exceptions are filed, accountings must be retrieved and not put on record until the court makes a ruling on the exceptions report.

## ▶ Method of Service Provision

Merit employees comprise the staffing of this section. Public Service, Civil Intake and Probate all fall under the category of 'Public Service' and have the same supervisory staff. However, each unit has distinct responsibilities and mandates. In Virginia, unlike most states, Probate is administrative in nature. Over 95 percent of the probate cases are handled by Clerk's staff without the necessity of a Judge.

A performance measurement objective for this activity is to maintain an average fiduciary appointment waiting time of one week and that goal was met in FY 2007.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 15, for the specific state code and a brief description.

# 80-10: Land Records

| Fund/Agency: 001/80 | Circuit Court and Records |
|---|---|
| **LOB #: 80-10** | **Land Records** |
| Personnel Services | $1,118,008 |
| Operating Expenses | $332,546 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $1,450,554 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $6,792,355 |
| **Total Revenue:** | $6,792,355 |
| **Net LOB Cost:** | ($5,341,801) |
| | |
| Positions/SYE involved in the delivery of this LOB | 24 / 24.0 |

## ▶ LOB Summary

In accordance with the provisions of the Code of Virginia the Land Records Division records, preserves, safeguards and provides convenient access to all recorded documents and instruments pertaining to land located in Fairfax County, including the towns of Herndon, Vienna, and Clifton and the City of Fairfax.

Beginning in FY 2008, a state mandate is requiring Circuit Court to redact social security numbers from the images of all land records and non deed records by 2010. Currently there are more than 36 million images which need to be processed through the redaction software with a day forward process as well. While this is a state mandate, state funding is not available for this requirement.

Performance measurement objectives that pertain to this LOB are to improve and expand the flow of information between the Circuit Court and other County agencies, and the public by increasing remote public access service usage, as measured by Court Public Access Network (CPAN) connections by 10 percentage points. In addition, to maintain a turnaround time of 13 days in returning recorded documents.

## ▶ Method of Service Provision

Merit County employees and exempt-limited term employees comprise the staff of the Land Records Division.

Each day the Clerk's office receives recordings over the counter, by overnight express mail and by regular mail. Each document must be recorded (given a deed book and page number, instrument number, time and date and a clerk's seal), cashiered, indexed, converted to digital format.

Documents and indexes are reviewed for quality control. The clerk is required by law to provide a daily index. Due to the high volume of transactions, overtime is consistently incurred in order to

record all the documents presented and to provide the required daily index. All documents presented for recording must be reassembled after scanning and mailed back to the customer.

The land records are vital to the real estate industry. Title examiners, attorneys, realtors, bankers, surveyors and other's require access to these records. Court Automated Retrieval System (CARS) now has over 35 million real estate related documents and indexes on-line. Newly recorded documents and their corresponding indexes are added each day. Users may access the land records from their home or offices as well as at the courthouse. This is a subscription based (CPAN) system with 2,194 users in 36 states and overseas in two countries and the District of Columbia. The integral part that CARS plays in the recording and retrieval process requires consistent monitoring and upgrading. In addition, both in-house staff as well as the user community (both remote access and courthouse users) require periodic training and instruction on changes and enhancements to the system.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 15, for the specific state code and a brief description.

# 80-11: Jury Management

| *Fund/Agency: 001/80* | *Circuit Court and Records* |
|---|---|
| *LOB #: 80-11* | *Jury Management* |
| Personnel Services | $95,412 |
| Operating Expenses | $26,082 |
| Recovered Costs | $0 |
| Capital Equipment | $0 |
| **Total LOB Cost:** | $121,494 |
| Federal Revenue | $0 |
| State Revenue | $0 |
| User Fee Revenue | $0 |
| Other Revenue | $0 |
| **Total Revenue:** | $0 |
| **Net LOB Cost:** | $121,494 |
| | |
| Positions/SYE involved in the delivery of this LOB | 2 / 2.0 |

## ▶ LOB Summary

Efficient Jury management is an essential element in the Administration of Justice. Both the Constitution of the United States of America and the Constitution of the Commonwealth of Virginia provide the right to a jury trial. The Circuit Court provides jurors for both Civil and Criminal trials. Over 43,000 questionnaires are sent to citizens of Fairfax County and the City of Fairfax each August. The names are taken from the Voters Registration database. Jurors must be 18 or older, a U.S. citizen, a resident of Virginia and the locality for at least 6 months. In addition a

juror cannot have a history of a felony conviction or be incapacitated. Of the 43,000 questionnaires sent, approximately 37,000 residents will reply with the appropriate information, either electronically or through USPS. The qualifying process eliminates about 14,000 and the remaining 23,000 become the jury pool for the upcoming year

The performance measurement objective for this LOB is to efficiently process those serving as jurors by maintaining the daily rate of utilization at no less than 100 percent, in order to minimize the impact on the personal and professional lives of the residents of Fairfax County and Fairfax City who are called upon to perform their civic duty.

## ▶ Method of Service Provision

Merit County employees comprise the staff who are permanently assigned to the jury management activity. In 2005, the Fairfax Circuit Court became the first court in the Commonwealth of Virginia to have the On Line/ Imaging capability for processing the questionnaires. Approximately 37,000 residents will respond to the questionnaires and of that number it is anticipated that approximately 12,000 will reply on line. That method eliminates opening of the envelopes and data entry of 12,000 questionnaires resulting in a huge staff savings. Minimal staff from other areas of the court are relocated to the jury area to assist with the additional workload of this project. In past years temporary employees were hired to help with the overall project, a need that has been eliminated by the on-line capability of the system. The jury pool for the following calendar year must be created by December 1.

Each afternoon the docket is set and the number of jury trials is given to the jury clerk. A formula is used to calculate the number of jurors to call in the next day. Jurors are instructed to call a recorded message or to check the internet the night before they are scheduled to serve to confirm whether or not they are actually needed. Both the recorded message and the internet site are updated daily. If called to serve, the jurors arrive around 8:00 a.m. and their assigned number is scanned into the jury management system to create the daily jury pools to be sent to the courtrooms. With the enhancement of the jury management software, citizens are now able to change their service dates interactively through the phone or the web, at their convenience, 24 hours a day.

Some jurors arrive at the courthouse in an apprehensive manner. We strive to make this a pleasant experience for those who are giving time from their personal and professional lives. We receive many compliments for our orientation program and the amenities we provide our jurors. In recent years items such as fax machine, free local phone lines, free wireless internet access, microwave and a refrigerator for those with special dietary requirements.

In 1992, jurors were required to serve eight weeks (one day each week for eight weeks) but this had a negative impact on jurors employment and personal lives. At the present time, the term is two weeks (one day each week for two weeks) and eventually a 'one day/one trial' system will be implemented.

There is a high level working relationship with the court clerks, judges, sheriff's deputies, attorneys and the jury management staff to efficiently process the jurors and gain maximum usage of the time they spend here. If a juror is struck from one case, their name goes back into the pool enabling them to be sent up on another case the same day. With this method of utilization of the jurors, the Circuit Court measurement for this activity, indicates that the usage of the jurors reporting on a daily basis is 107 percent.

## ▶ Mandate Information

This LOB is state mandated. The percentage of this LOB's resources utilized to satisfy the mandate is 100 percent. See the 2007 Federal and State Mandates Report, page 15, for the specific federal or state code and a brief description.

# AGENCY PERFORMANCE MEASURES

**Objectives**

- To maintain a turnaround time of 13 days in returning recorded documents.
- To improve and expand the flow of information between the Circuit Court, other County agencies, and the public by increasing remote public access service usage, as measured by Court Public Access Network (CPAN) connections, by 10 percentage points.
- To maintain an average fiduciary appointment waiting time of 1 week in order to serve the probate needs of Fairfax County residents in a timely manner.
- To efficiently process County residents serving as jurors by maintaining the daily rate of utilization at no less than 100 percent, in order to minimize the impact on the personal and professional lives of the residents of Fairfax County who are called upon to perform their civic duty.
- To provide professional technical support to Circuit Court internal and external customers by reducing the number of "Help Desk" requests by 10 percent.
- To maintain a final disposition rate of 83 percent for Law cases finalized within 12 months / 1 year of the initial filing date. The state average is 75 percent and the voluntary case processing guidelines adopted by the Judicial Council recommend 90 percent disposition of cases filed within one year of initial filing.
- To maintain a final disposition rate of 97 percent for Domestic cases finalized within 15 months of the initial filing date. The state average is 90 percent and the voluntary case processing guidelines adopted by the Judicial Council recommend 98 percent disposition of cases filed within 18 months of initial filing.

# Circuit Court and Records

| Indicator | Prior Year Actuals FY 2006 Actual | Prior Year Actuals FY 2007 Estimate/Actual | Current Estimate FY 2008 | Future Estimate FY 2009 | LOB Reference Number |
|---|---|---|---|---|---|
| **Output:** | | | | | |
| Land Documents Recorded | 354,688 | 350,000 / 275,973 | 300,000 | 300,000 | 80-10 |
| CPAN users served to date | 1,992 | 2,191 / 2,194 | 2,410 | 2,600 | 80-10 |
| Fiduciary appointments scheduled per day | 26 | 26 / 22 | 23 | 23 | 80-09 |
| Average number of residents called each day for jury selection | 74.0 | 74.0 / 75.7 | 74.0 | 74.0 | 80-11 |
| Number of "Help Desk" requests received (phone & email) | NA | NA | NA | 12,984 | 80-1 |
| Domestic cases concluded through the Differentiated Case Tracking Program (DCTP) | NA | NA / 4,775 | 4,850 | 4,850 | 80-05 |
| Law cases concluded through the Differentiated Case Tracking Program (DCTP) | 2,301 | 2,500 / 2,536 | 2,561 | 2,561 | 80-05 |
| **Efficiency:** | | | | | |
| Cost per recorded document | $3.25 | $3.38 / $4.59 | $4.36 | $4.50 | 80-10 |
| Revenue per paid CPAN connection | $265 | $265 / $325 | $265 | $265 | 80-10 |
| Cost per appointment | $61.63 | $63.51 / $67.69 | $69.31 | $72.11 | 80-09 |
| Cost per juror called for jury selection | $53.00 | $53.30 / $57.18 | $57.68 | $58.20 | 80-11 |
| Cost per request received (phone + email) | NA | NA | NA | $25.34 | 80-01 |
| Cost per Domestic case concluded in DCTP | NA | NA / $63.42 | $64.66 | $66.97 | 80-05 |
| Cost per Law case concluded in DCTP | $180.91 | $186.91 / $133.89 | $210.99 | $217.22 | 80-05 |
| **Service Quality:** | | | | | |
| Turnaround time in returning recorded document (days) | 13 | 13 / 9 | 13 | 13 | 80-10 |
| Percentage point change of additional CPAN information available from off-site location | 7 | 7 / 5 | 5 | 5 | 80-10 |
| Average probate appointment book waiting time (in weeks) | 2.0 | 1.0 / 1.0 | 1.0 | 1.0 | 80-09 |
| Percent jury utilization | 107% | 100% / 107% | 100% | 100% | 80-11 |
| Average time (minutes) addressing request | NA | NA | NA | 5 | 80-01 |
| Percent of DCTP Domestic cases concluded within 15 months of initial filing | NA | NA / 96% | 96% | 97% | 80-05 |
| Percent of DCTP Law cases concluded within one year | 81% | 82% / 80% | 82% | 83% | 80-05 |

# Circuit Court and Records

| Indicator | Prior Year Actuals FY 2006 Actual | Prior Year Actuals FY 2007 Estimate/Actual | Current Estimate FY 2008 | Future Estimate FY 2009 | LOB Reference Number |
|---|---|---|---|---|---|
| **Outcome:** | | | | | |
| Percent change in time to return documents | (64%) | 0% / (31%) | 0% | 0% | 80-10 |
| Percent change of CPAN connections | 72.0% | 10.0% / 10.0% | 10.0% | 10.0% | 80-10 |
| Percent change in waiting time | 100.0% | (50.0%) / (50.0%) | 0.0% | 0.0% | 80-09 |
| Percentage point change in juror utilization rate | 7 | (7) / 0 | (7) | 0 | 80-11 |
| Percentage change in number of requests (phone & email) received | NA | NA | NA | NA | 80-01 |
| Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing | NA | NA / 0 | 0 | 1 | 80-05 |
| Percentage point change of DCTP Law caseload concluded within one year | NA | 1 / (1) | 2 | 1 | 80-05 |