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September 25, 2018

Committee on District Courts  
c/o Mr. Karl Hade  
Executive Secretary of the Supreme Court of Virginia  
Office of the Executive Secretary  
Supreme Court of Virginia  
100 North Ninth Street  
Richmond, Virginia 23219

Dear Mr. Hade:

On behalf of the Fairfax County Board of Supervisors, I am writing to you and the Committee on District Courts in support of the 19<sup>th</sup> General District Court's (GDC) request for authorization for a 12<sup>th</sup> judgeship.

As you know, the 19<sup>th</sup> GDC is an extremely busy court, having received more than 310,000 new cases in 2017, representing 11 percent of the statewide total GDC caseload. However, the caseload per judge continues to grow rapidly, raising significant concerns. Currently, the 19<sup>th</sup> GDC is authorized for 11 judges, though only 10 have been funded since 2016. In a bit of good news, the 2018 General Assembly's commitment to fund all judicial vacancies in FY 2020 is expected to result in the restoration of funding for the 11<sup>th</sup> judgeship; however, the 19<sup>th</sup> GDC needs 12 judges to achieve more appropriate workload levels. That need becomes clear when assessing recent annual statistics from the Supreme Court of Virginia. In 2017, the state average of case filings per GDC judge throughout the Commonwealth was 22,537 (excluding the 19<sup>th</sup> GDC), while each judge in the 19<sup>th</sup> GDC carried a filed caseload of 31,242, approximately 39 percent higher than the state average.

The 19<sup>th</sup> GDC is not only the busiest court in the state in overall cases, but it is also the busiest for new traffic cases, criminal cases, and driving under the influence (DUI). DUI cases provide an excellent example of the new challenges our court is facing, as changes in statutory and case law, along with the advent of cruiser videos and police body cameras, have all increased the complexity, discovery obligations, and proof requirements in these types of cases. As a result, these cases now run at least one hour per trial – if any judge receives more than one such trial per day, it is likely some cases on their docket will need to be shifted or reassigned to other judges; currently, each of our judges is hearing seven to eight DUIs per day, often creating long delays for other cases.

The 2017 Virginia Judicial Workload Assessment Final Report calculated the 19<sup>th</sup> GDC total need (TFE) at 12.07 judges, with a current workload per judge of 1.21. Because the 19<sup>th</sup> GDC only had funding for 10 judgeships at the time of the study, the rounding rule applied in the report ultimately led to the conclusion that a total of 11 funded judgeships was needed, instead of 12. The report includes a provision stating “courts that are near the threshold (e.g., courts with a workload per judge between 1.10 and 1.20) may benefit from a secondary analysis that examines additional contextual factors affecting the need for judges.” Numerous contextual factors impact the 19<sup>th</sup> GDC judges’ workload, such as the complexity of cases, frequent use of interpreters necessitating more time to adjudicate cases (30 percent of the 19<sup>th</sup> District’s population is foreign-born, compared to 12 percent statewide), and increased number of individuals on pre-trial supervision and associated violation hearings, among others. Given these factors, the 19<sup>th</sup> GDC has an increasingly pressing need for a 12<sup>th</sup> authorized and funded judgeship (it is important to note that even if the 19<sup>th</sup> GDC had 13 judges, our caseload per judge would remain above the state average).

Perhaps more importantly, our judicial system must provide all individuals an equal opportunity to seek justice. When court dockets are extremely overburdened, the need to move through cases quickly may begin to take precedence over fully examining the elements of each case, leading to potentially dire consequences. In fact, it is often the case that seeking justice demands additional time. For example, in recent years Fairfax County has implemented a Diversion First initiative, which offers alternatives to incarceration for people with mental illness or developmental disabilities who come into contact with the criminal justice system for low-level offenses. The goal is to intercede whenever possible to provide assessment, treatment or needed supports. People needing diversion may also have a substance use disorder, which often co-occurs with mental illness. The 19<sup>th</sup> GDC typically handles the arraignment of such cases, which initially may take longer in court, but dedicating extra time to determine appropriate services provides significant long-term benefits to affected individuals, the court system and the community. Additionally, the 19<sup>th</sup> GDC has seen an increase in the prevalence of attorneys on all dockets – while that may slow the speed of cases, it also helps ensure that individuals involved in court proceedings are better equipped to navigate the justice system. Expediency cannot be a priority when such vital, life-altering decisions are being made, so it is essential for judges to have reasonable caseloads that allow justice to remain the top priority. Adding a 12<sup>th</sup> judge to the 19<sup>th</sup> GDC will help ensure that is possible.

Unfortunately, the underfunding of the judiciary has become an increasingly critical problem in Virginia, placing additional burdens on localities and the judicial system. Though the 2018 GA’s commitment to fund all authorized judgeships in FY 2020 is a step in the right direction, the court system continues to feel the effects of budget-related actions in recent years, straining the ability of the courts to administer justice efficiently while managing a large volume of cases – providing sufficient funding for judgeships, as well as for the salaries of court personnel, is a critical state responsibility.



Thank you for your time and attention to this important issue. We look forward to working with you and other members of the General Assembly in years to come to ensure adequate funding for our judiciary.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Bulova". The signature is fluid and cursive, with a large initial "S" and "B".

Sharon Bulova  
Chairman, Fairfax County Board of Supervisors

cc: Members, Fairfax County Board of Supervisors  
Members, Fairfax County Delegation to the General Assembly  
The Honorable Lisa Mayne, Chief Judge, 19<sup>th</sup> Judicial District  
Bryan J. Hill, County Executive  
Elizabeth Teare, County Attorney  
Claudia Arko, Legislative Director