

Circuit Court and Records

LOB #181:

JUDICIAL SUPPORT

Purpose

Because all functions of the Clerk's Office are mandated by the Code of Virginia, the primary purpose is to observe all Code-mandated duties and Rules of Court related to judicial administration. Circuit Courts are established in the Constitution of Virginia, and the Circuit Court serves as Fairfax's trial court of record. Taken together, Title 8 "Civil Remedies & Procedure," Title 19 "Criminal Procedure," and Title 17 "Circuit Courts" of the Code of Virginia sets the basic pretrial, trial, and appellate processes, and Supreme Court Rule 2:101 to 2:1101 guides trial practice. The Virginia Supreme Court establishes goals for concluding civil cases within 12 months and domestic cases within 15 months from initial filing; the Virginia Speedy Trial Statute demands a defendant be tried within five months. The purpose of the Judicial Support Division is to assist Judges of the Fairfax Circuit Court in meeting and exceeding these mandates every year.

Description

The Judicial Support Division provides the Circuit Court judges with legal research, trial preparation, chambers administration, official correspondence with parties, legislative updates, docket management and caseload management. The Fairfax Circuit Court has the largest volume of cases in the Commonwealth of Virginia, nonetheless 87 percent of the Court's civil docket is concluded within a year, and 98 percent of domestic cases are concluded within 15 months from initial filing; these results exceed the state-wide caseload and case-conclusion benchmarks. The Judicial Support division not only prepares the Judges for hearings and trials with legal research and case file management, but it also provides effective docket management, so that cases proceed swiftly to conclusion, allowing the bench to keep up with the high volume of case filings Fairfax receives every month.

Benefits

Per Article VI, Section 5 of the Constitution of Virginia, the Supreme Court of Virginia is the administrative head of the Judiciary and as such, establishes caseload and docket pace standards. Per Article VII, Section 4 of the Constitution of Virginia, the Clerk of Court administrates the court processes. Specifically, the Judicial Support Division of the Office of the Clerk assists in docket management and trial preparation, so that the Circuit Court can meet, and exceed, the Supreme Court's state-wide goals. Through a strict observance of the Code of Virginia's civil and criminal procedure and to the Virginia Supreme Court's Rules on Trial Practice, all residents of Fairfax are guaranteed their Constitutional right to a fair, efficient, and timely resolution to their dispute or criminal matter. A well-run Circuit Court system lends credibility to Fairfax's reputation as a leader in municipal government. When the citizenry and business community know that Virginia's largest jurisdiction will provide a full, fair, and timely determination of their case, it makes Fairfax a safer and more appealing place to live, work and raise a family.

Mandates

As mentioned above, Circuit Courts are established in the Constitution of Virginia, and the Circuit Court serves as Fairfax's trial court of record. Taken together, Title 8 "Civil Remedies & Procedure," Title 19 "Criminal Procedure," and Title 17 "Circuit Courts" of the Code of Virginia sets the basic pretrial, trial, and appellate processes, and Supreme Court Rule 2:101 to 2:1101 guides trial practice. The Virginia Supreme Court establishes goals for concluding civil cases within 12 months and domestic cases within 15 months from initial filing; the Virginia Speedy Trial Statute demands a defendant be tried within five months. The purpose of the Judicial Support Division is to assist Judges of the Fairfax Circuit Court in meeting and exceeding these mandates every year.

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Trends and Challenges

In 2014, the Virginia Supreme Court’s Office of the Executive Secretary (OES) concluded its year-long “weighted caseload study,” which examined the pace and volume of each Circuit Court in Virginia. Fairfax ranked as the highest-volume court in the Commonwealth and exceeds OES’s court administrative measurement standards for Time to Disposition and Trial Date Certainty. Having met and exceeded state benchmarks for judicial efficiency the last ten years, the Judicial Support Division is likely to continue this trend of success. Judicial administrative tools like the Court’s Friday Motions Day Docket help the Judicial Support Division accomplish the Fairfax Circuit Court’s exceptional conclusion rate for timeliness. The Clerk’s Office has watched an increase in the number of “*pro se*” (self-represented) litigants over the last three years, which does lead to increased customer service from the Judicial Support Division. Because the Circuit Court is a court of record, enjoys general jurisdiction, and exclusive jurisdiction over disputes valued at \$25,000 or more, cases tend to be more complex. Consequently, self-represented litigants can slow a case’s pace to trial-date. To address this trend, Judicial Support will be looking at the National Center for State Courts’ best practices on how to streamline *pro se* litigations with the Court’s aggressive docket. Another trend among state courts around the Nation is the movement toward “differed disposition dockets.” Sometimes these dockets are called “drug courts” or “mental health dockets” and they aim to treat certain, qualifying cases for adjunct, non-judicial remedies. While at this time, the Fairfax Circuit Court has not adopted “differed disposition dockets,” launching and administrating this judicial practice would entail substantial preparation and on-going management from the Judicial Support Division.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #181: Judicial Support			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$1,053,500	\$1,029,160	\$1,086,100
Operating Expenses	215,595	242,553	220,648
Total Expenditures	\$1,269,095	\$1,271,713	\$1,306,748
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$1,269,095	\$1,271,713	\$1,306,748
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	2 / 2	2 / 2	2 / 2
Exempt	18 / 18	18 / 18	18 / 18
State	15 / 15	15 / 15	15 / 15
Total Positions	35 / 35	35 / 35	35 / 35

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Judicial Clearance Rate: Closing the gap between total cases commenced and total cases concluded	19,898/18,364	18,648/17,340	18,994/17,853	18,800/18,100	18,800/18,100

The National Center for State Courts authors a curriculum of best-practices for court administration and docket management and one of the core performance measures is called the “clearance rate.” This metric measures the number of contested cases entering into the judges’ master docket, against the number of contested cases the judges conclude for the same period of time. Over the past eight years, the Fairfax Circuit Court has consistently closed the gap between the case intake numbers and the case disposition numbers. FY 2015 the Circuit Court’s clearance rate was 94 percent.