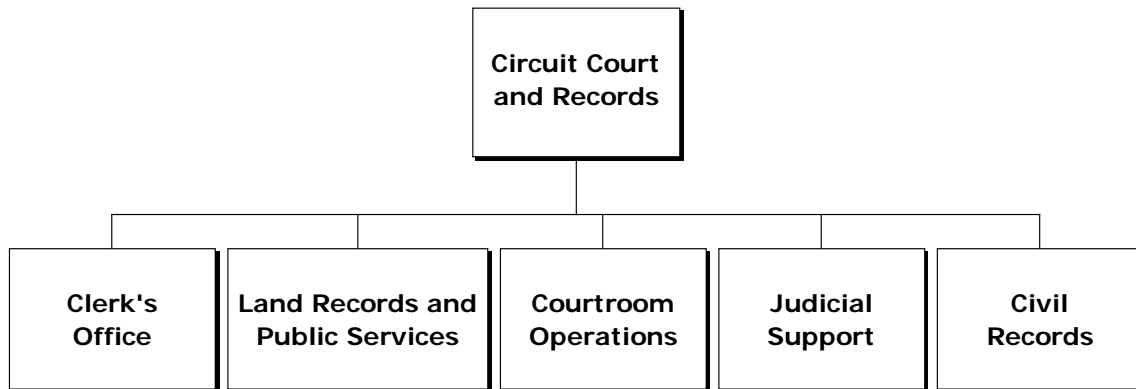


Circuit Court and Records



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 2015	FY 2016	FY 2017
1. Public Records Held	47,705,318	48,809,319	50,011,070 ¹
2. Criminal Cases ²	6,978	7,776	7,912
3. Civil Cases ³	19,907	18,726	18,249
4. Probate Cases	2,437	2,337	2,307
5. Land Recordings	149,726	152,300	156,979
6. Marriage Licenses, Trade Names, Financing Statements, Notaries	13,222	12,335	13,568
7. Jurors called to court for cases	7,481	7,816	8,771

¹ Court Public Access Network (CPAN) images total over 50 million images which are publicly available through the Internet, however the Court also maintains an additional 1.4 million court case images, which brings the total digitalized record tally to 51,431,288, as of the last day of FY 2017.

² While Circuit Court took in 1,519 felony prosecutions, 2,646 misdemeanor appeals, 620 bond appeals and 62 juvenile criminal appeals, many crimes have multiple “counts” which is more properly used to calculate criminal caseload for Virginia Supreme Court reporting purposes. For that reason, the Circuit Court actually had a criminal case count total of 7,912 through all of FY 2017.

³ As of FY 2017, “Civil Cases” include civil litigations (CL cases) and adoptions (AD cases), civil miscellaneous (CM cases) and civil J&DR appeals.

Focus

The Fairfax Circuit Court is a Virginia “court of record” and has jurisdiction over Fairfax’s Criminal and Civil cases and has appellate review over several lower courts and tribunals. Fairfax has 15 Circuit Court judges, and the Clerk’s Office supports these judges as they adjudicate almost 30,000 new civil and criminal cases taken in each year. The Circuit Court also has original jurisdiction over other matters such as adoptions; divorce proceedings; disputes concerning wills, trusts and estates; election recounts; eminent domain; and controversies involving personal and real property. As custodian of the public record, the Clerk of Court also administers the land records for Fairfax, recording 150,000 land

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transactions every year. As such, the Fairfax Circuit Court is, by far, the busiest and most sophisticated court in the Commonwealth of Virginia.

As a court of record, the Circuit Court hears the appeals from Fairfax's General District Court and Juvenile and Domestic Relations District Court. Citizens can also seek judicial review of administrative agency decisions in Circuit Court, and the Court hears appeals from the Board of Zoning Appeals, the Virginia Employment Commission, the Elections Registrar and even the Department of Motor Vehicles (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), and hears appeals of misdemeanors from the General District Court. As opposed to the lower courts, Circuit Court offers the right to a jury trial. Given Fairfax's unique comfort-level with complex jury cases, the Supreme Court of Virginia routinely assigns Fairfax with statewide class action litigations and complex, regional criminal prosecutions, which add to the Court's volume and pace.

The Clerk of Court's mission is to serve the citizen, the bench and the bar, and to exceed their very high expectations of Virginia's largest Circuit Court, by keeping public records well-preserved and readily available. Fairfax citizens expect a highly-informed, knowledgeable, customer-oriented staff. The Clerk's Office builds a culture of excellence through two major budgetary areas: 1) Technology and 2) Talent.

By maintaining 24-hour customer access to land and business records through the Court Public Access Network

(CPAN), implementing and improving web-based case management, digitizing ancient court records for faster retrieval for the judges and the customer, offering on-line dockets and jury service software, and even creating an *online* marriage pre-application, the Clerk of Court responsibly supports the software and hardware the Court customer relies on.

But none of these tech-improvements are maximized without a properly-trained staff, who keep pace with system updates and new-releases, and who make them relevant to Court customers. In addition to the budgetary priority on functional, system trainings for staff, the Clerk places a *pronounced* emphasis on subject-matter education and training on an array of issues such as: sentencing guidelines, chain of evidence, inter-state comity, land recordation, real estate closing standards, archival standards, court debt collection, jury management, cybersecurity, continuity of government, fraud-prevention, court financial management, government contracting/procurement, freedom of information, managing *pro se* litigants, detecting land fraud, and serving the mentally-ill.

Technology & Timeless Court Excellence

The Fairfax Circuit Court manages to outperform statewide averages for docket and land records volume and performance through cutting-edge workflow and maxing-out legacy systems. Through web-based case management, online trial scheduling, digital-imaging, and SQL-reporting, the Court is consistently able to conclude 87 percent of Civil Law cases within 12-months, and conclude over 90 percent of Civil-

Circuit Court and Records supports the following County Vision Elements:



Maintaining Safe and Caring Communities



Connecting People and Places



Maintaining Healthy Economies



Creating a Culture of Engagement



Exercising Corporate Stewardship

Circuit Court and Records

Domestic cases within 15-months, surpassing Virginia Supreme Court performance goals, despite our Court's large size.

With the Circuit Court's e-Submitter Program in Land Records, now over 63 percent of all land transactions are e-filed with the Clerk. Through this, and such innovations as the Clerk's marriage license "pre-app," on-line Jury Questionnaire Submission System, Online Scheduling System (OSS), and "e-Decree" initiative, the Court has been able to substantially-reduce the number of trips a court-user must make to the courthouse. This saves the citizen, and the Clerk's Office, time and money.

However, for all the time/money-savings technology offers, there are physical preservation and software/hardware maintenance costs. Unlike the General District or Juvenile Court, the Fairfax Circuit Court must *preserve forever*, most of its case-related files and all of its land/marriage/probate records. To help manage budgetary expenditures for physical preservation, the Archival Staff of the Clerk's Office established a Historic Records Preservation Plan, which identifies and prioritizes specialized preservation, conservation, and digitization of our 17th and 18th Century Court Records. But in order to responsibly on-board new technologies, and support these digitized archival documents, the Clerk must honor all licensing agreements and software/hardware maintenance agreements, so that the public can access historic, and modern, court records. In FY 2017, every one of the top-ten operating expenditures was a software maintenance cost and a full 39 percent of the Circuit Court's Operating Budget was consumed by technology maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 300 years of Fairfax legal records, it is also a factor in responsible stewardship and it informs the Clerk's contract negotiation strategies as the Court enters into the newest technology initiatives.

In addition to Fairfax's own large case-load, the Supreme Court of Virginia has transferred several complex class action lawsuits and regional criminal prosecution dockets to Fairfax in the past year. Likely because of Fairfax's comprehensive case management experience, and the systems and staff that are prepared to handle such complexity, Fairfax is currently managing these hearings, scheduling the trials, notifying the jurors and parties, and executing the resulting Orders of the Court--all within Virginia Code-mandated deadlines. Unlike segmented databases used in other parts of Virginia, Fairfax Circuit Court uses a *relational* database, where casefile elements are linked to digital images of case pleadings, which fully integrates the case management, document management and financial management systems. The Clerk's Office now maintains about 1.4 million digital, *court case* images.

The Fairfax Clerk is an ancient office with earliest land records dating back to 1642, 130 years before the Declaration of Independence. Court Public Access Network (CPAN) is the master, unified system that Fairfax Circuit Court uses to publish the complete record of all land transactions from 1642 to the present, and to offer our community access to an extract of all the civil and criminal cases before the Court. Over 63 percent of all land transactions are now e-filed with the Clerk's Office. By virtue of § 17.1-276 of the Code of Virginia, the Clerk offers access to all public records through CPAN's 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 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 transaction housed in CPAN. At the close of FY 2017, the Clerk was custodian of over 50,011,070 digital land, marriage, judgment, and probate records, making Circuit Court's database the largest Oracle database in Fairfax County.

In November of 2017, the Fairfax County Board of Supervisors approved the early CY 2018 launch of the Pilot Body Worn Camera Program for the Fairfax County Police Department. The pilot program is

Circuit Court and Records

designed to provide the Police Department with the opportunity to review police-community member encounters as they occur, as well as to provide an additional degree of safety for officers on patrol. Resulting footage used in criminal discovery and the potential for both civil and criminal trial evidence is anticipated to impact the court's digital record-keeping by increasing the level of support for video discovery, video evidence and record-keeping.

Training and Retaining Talent for Court Excellence

Court customers rightly expect a knowledgeable and responsive court staff, so personnel is the largest, and wisest investment the Clerk can make. The high-pace and volume, the headline-making trials, and the natural energy of the state's largest court, make recruiting top-talent for the Court easy; the challenge lies in retaining talent. While the Clerk places pronounced emphasis on subject-matter training, for core competencies in all practice areas of law, court paraprofessional work stands apart from traditional-administrative work.

Given the wide-range of practice-areas of law that the Fairfax Circuit Court covers, staff is offered extensive, paraprofessional training on trial-court practice, custody of evidence standards, court-debt collection procedures, administrative probate standards, Supreme Court of Virginia Court Rules training, court technology updates, legal ethics training, vendor-specific system trainings, court financial management, post-remedial measures training, jury management training, in addition to customer service for Courthouse-specific service. Many best practices for state courts are established by national court associations and land records industry groups, so the Clerk's Office regularly sends staff to be trained on these legal practice standards and larger industry trends.

On-going, substantive education of trial-court staff is critical for the Fairfax court customer to receive timely, accurate, and complete service at Virginia's largest trial court, so it is a budgetary priority for the Clerk. Furthermore, with court technology improving regularly, staff must stay fluent in various functionalities of digital case files and automated case management, thereby maximizing the efficiencies software systems offer. The citizens of Fairfax rightly expect an efficient and accountable court. In order to meet and exceed their expectations, the Clerk believes in developing entry-level staff and new hires, building a ladder for career success, and offering a rewarding professional life. Arming emerging court leaders with supervisory and management training offered locally by the County, as well as the commensurate legal training offered statewide and nationally, helps us remain Virginia's "Rocket Docket."

Circuit Court and Records

Budget and Staff Resources

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
FUNDING				
Expenditures:				
Personnel Services	\$8,964,456	\$9,384,226	\$9,384,226	\$9,772,931
Operating Expenses	2,224,497	1,990,826	1,867,059	1,990,826
Capital Equipment	0	0	197,127	0
Total Expenditures	\$11,188,953	\$11,375,052	\$11,448,412	\$11,763,757
Income:				
Circuit Court Paper Land Records Fee	\$0	\$350,000	\$0	\$0
Land Transfer Fees	26,194	23,663	26,194	26,194
Courthouse Maintenance Fees	29,300	32,475	32,475	32,475
Circuit Court Fines and Penalties	135,689	128,659	135,689	135,689
Copy Machine Revenue	70,756	71,436	71,436	71,436
County Clerk Fees	4,588,123	4,853,800	4,853,800	4,902,338
City of Fairfax Contract	223,173	227,636	216,747	239,428
Recovered Costs - Circuit Court	961	25	25	25
CPAN	366,700	333,500	333,500	333,500
State Shared Retirement - Circuit Court	158,962	176,465	176,465	176,465
Total Income	\$5,599,858	\$6,197,659	\$5,846,331	\$5,917,550
NET COST TO THE COUNTY	\$5,589,095	\$5,177,393	\$5,602,081	\$5,846,207
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	139 / 139	140 / 140	140 / 140	140 / 140
Exempt	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15

FY 2019 Funding Adjustments

The following funding adjustments from the FY 2018 Adopted Budget Plan are necessary to support the FY 2019 program.

- ◆ **Employee Compensation** **\$388,705**
An increase of \$388,705 in Personnel Services includes \$210,888 for a 2.25 percent market rate adjustment (MRA) for all employees and \$177,817 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2018.

Changes to FY 2018 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2018 Revised Budget Plan since passage of the FY 2018 Adopted Budget Plan. Included are all adjustments made as part of the FY 2017 Carryover Review, and all other approved changes through December 31, 2017.

- ◆ **Carryover Adjustments** **\$73,360**
As part of the FY 2017 Carryover Review, the Board of Supervisors approved encumbered funding of \$73,360 in Operating Expenses and Capital Equipment.

Circuit Court and Records

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 Clerk’s Probate division administers wills and qualifies fiduciaries for estate, trust, and guardianship matters. The Public Services division issues marriage licenses and processes notary public commissions and trade names.

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
EXPENDITURES				
Total Expenditures	\$1,902,519	\$2,912,096	\$2,950,478	\$3,015,255
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	34 / 34	34 / 34	32 / 32	32 / 32
1 Management Analyst II	6	Administrative Associates	3	Administrative Assistants IV
3 Legal Records/Services Managers	2	Administrative Assistants V	17	Administrative Assistants III
TOTAL POSITIONS				
32 Positions / 32.0 FTE				

Courtroom Operations

The Courtroom Operations cost center provides full administrative and paraprofessional support to the 19th Judicial Court in order to accomplish the efficient and prompt resolution of all cases and jury functions according to the Code of Virginia.

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
EXPENDITURES				
Total Expenditures	\$2,182,898	\$2,330,256	\$2,324,423	\$2,412,836
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	39 / 39	40 / 40	41 / 41	41 / 41
Exempt	1 / 1	1 / 1	0 / 0	0 / 0
1 Management Analyst II	2	Administrative Associates	1	Administrative Assistant IV
2 Legal Records/Services Managers	18	Administrative Assistants V	17	Administrative Assistants III
TOTAL POSITIONS				
41 Positions / 41.0 FTE				

Circuit Court and Records

Clerk's Office

The Clerk's Office cost center provides effective management of technical support and other agency-wide components to produce efficient and effective service to the bench, the bar, and the citizens of Fairfax.

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
EXPENDITURES				
Total Expenditures	\$3,983,678	\$2,787,886	\$2,828,689	\$2,853,278
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	18 / 18	18 / 18	20 / 20	20 / 20
Exempt	8 / 8	8 / 8	9 / 9	9 / 9
1 County Clerk (Elected) E	1	1 Info. Tech. Program Mgr. I	1	1 Financial Specialist I
1 Deputy County Clerk E	1	1 Management Analyst IV	1	1 Human Resources Generalist II
2 Administrative Assistants V E	1	1 Management Analyst I	1	1 Info. Tech. Technician III
2 Management Analysts III E	1	1 Business Analyst IV	1	1 Info. Tech. Technician II
1 Management Analyst II E	1	1 Network/Telecom. Analyst III	2	2 Info. Tech. Technicians I
1 Administrative Assistant IV E	1	1 Programmer Analyst IV	1	1 Assistant Archivist
1 Administrative Assistant III E	1	1 Programmer Analyst II	1	1 Archives Technician
	1	1 Financial Specialist II	4	4 Administrative Assistants IV
TOTAL POSITIONS				
29 Positions / 29.0 FTE				E Denotes Exempt Positions

Judicial Support

The Judicial Support cost center provides full administrative and professional support to the Judges of Virginia's 19th Judicial Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
EXPENDITURES				
Total Expenditures	\$1,049,528	\$1,437,391	\$1,437,391	\$1,495,989
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
1 Chief Judge S	1	1 Administrative Assistant V		
14 Judges S	1	1 Administrative Assistant IV		
15 Judicial Law Clerks E				
TOTAL POSITIONS				
32 Positions / 32.0 FTE				E Denotes Exempt Positions S Denotes State Positions

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Civil Records

The Civil Records 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 2017 Actual	FY 2018 Adopted	FY 2018 Revised	FY 2019 Advertised
EXPENDITURES				
Total Expenditures	\$2,070,330	\$1,907,423	\$1,907,431	\$1,986,399
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	46 / 46	46 / 46	45 / 45	45 / 45
1 Management Analyst II	6	Administrative Assistants IV		
2 Legal Records/Services Managers	27	Administrative Assistants III		
3 Administrative Assistants V	6	Administrative Assistants II		
TOTAL POSITIONS				
45 Positions / 45.0 FTE				

Key Performance Measures

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2015 Actual	FY 2016 Actual	FY 2017 Estimate/Actual	FY 2018	FY 2019
Land Records and Public Services					
Percent change in time to return documents	300%	(38%)	20%/0%	0%	0%
Percent change of CPAN connections	(0.4%)	0.4%	0.4%/13.6%	0.0%	0.0%
Percent change in waiting time	(78.4%)	87.5%	33.3%/0.0%	0.0%	0.0%
Courtroom Operations					
Percentage point change in juror utilization rate	0	(2)	3/1	0	0
Clerk's Office					
Percentage change in number of requests (phone & email) received	3%	(6%)	7%/48%	0%	0%
Civil Records					
Percentage point change of DCTP Law caseload concluded within one year	1	(1)	1/1	0	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	0	0	0/(1)	0	0

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2019-advertised-performance-measures-pm>

Circuit Court and Records

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, state and local agencies, and members of the public who need to record real estate deeds or easements, to litigate a case, or (in the case of Fairfax residents) to get a marriage license, to probate a will, or to become a notary.

The Circuit Court, through increased efficiencies, technologies and with a highly-trained staff, is able to meet and exceed performance measurements, despite the lingering budgetary constraints. With over 1.3 million residents in Fairfax City and the County of Fairfax, the Clerk issued 6,405 marriage licenses and took in 3,219 cases involving broken marriages, in FY 2017. A full 97 percent of divorce cases are finalized within 15 months of the suit's original filing. In spite of the fact that Fairfax has such a high volume of domestic cases, the Court exceeds the Commonwealth's threshold goal of 90 percent completion in that time period, earning the Fairfax Circuit Court its reputation as a "Rocket Docket." Also up is the total number of real estate documents recorded in land records. In FY 2017, the Clerk recorded 156,979 land transactions into CPAN, an increase of 4,000 instruments over last fiscal year.

A second area of streamlined performance is the Clerk's management of the Court's jury system. Jury service is a civic right and civic duty, so the Court has worked hard to make the Fairfax citizens' jury duty as convenient and efficient as possible. In the early fall every year, the Jury Clerk sends out 55,000 juror questionnaires, and the Clerk offers an online submission portal so potential jurors can complete their jury questionnaire online. Currently, 50 percent of the questionnaires are submitted online by the Fairfax citizens who receive them. On any given Monday, the Clerk can have over 200 jurors assembled to be used in trials for that day. Fairfax Circuit Court boasts a full 88 percent juror utilization rate, making the civic duty of jury service in Fairfax highly efficient.

In FY 2017, the Probate Division took an average of 21 appointments per day, helping keep the appointment wait time, down. For Fairfax families who have suffered the loss of a loved-one, getting an appointment with experts in estate administration in a week makes for a smooth transition through an already difficult time.