

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 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, fiduciary, and criminal cases 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 120,000 land transactions every year, depending on the pace of the real estate sales market. 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. In FY 2019, over 9,000 citizens were brought into the Courthouse to serve on juries. 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, pace, and jury utilization. Furthermore, the Circuit Court of Fairfax, pursuant to the Code of Virginia, and in concert with the Supreme Court of Virginia has established two specialty dockets, a Veterans Treatment Docket and a Drug Court.

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 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’s Office accomplishes its mission. 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. This means that the Clerk’s staff must be high-performing paraprofessionals, fluent in Virginia legal contexts, as well as technology-savvy, to keep the Fairfax dockets moving.

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 self-represented litigants, serving customers with mental health challenges, and ethics in government service.

Knowledgeable Staff & Agile Systems: Fairfax's 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 82 percent of Civil Law cases within 12 months, and conclude 98 percent of Civil-Domestic cases within 15 months, surpassing Virginia Supreme Court performance goals, despite our Court's large size. On the land records-side, with our E-Submitter Program, now 75 percent of all land transactions are e-filed with the Clerk. Through this, and such innovations as the Clerk's marriage license "pre-app," the Court's online 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.

A Perpetual Record, For a Digital Era

However, for all the time/money-savings technology offers, there are software and hardware maintenance costs. Furthermore, on September 24, 2019, the Board of Supervisors approved a Body-Worn Camera Program for the Fairfax County Police Department. Police "body cams" which videotape the Fairfax Police Department as they work, will resultantly create digital discovery and digital evidence in Fairfax Circuit Court trials. Importantly, such digital evidence already comes into trials in the Court's civil cases too. With the ubiquity of home security cameras, smart phones at accident scenes, and office surveillance footage, divorce suits, defamation cases, car accident injury cases, medical malpractice cases, and even contract disputes now routinely present digital video/audio evidence.

Unlike the General District or Juvenile Court, the Fairfax Circuit Court must preserve forever, most of its case-related files whether they are video files, digital audio file, or paper files. Digital evidence – whether audio or video files – take up large amounts of server space which is hardware the Clerk's Office must purchase and maintain. To meet these emerging trends, the Clerk has allocated IT staff and paraprofessional staff to explore the most cost-effective ways to receive, preserve, and manage this digital discovery and trial exhibit evidence. Furthermore, in 2016, Fairfax began compiling civil and criminal records into electronic appellate records and launched the use of the Supreme Court's Virginia Appellate Courts Electronic System (VACES), which is an electronic appeal system. As Virginia's largest "court of record," the County is identifying best practices for the management of these digital appellate records, but this is an emerging area for Virginia courts. The Clerk requires specialized personnel to manage this emergence of digital trial practice and electronic filing/appeals.

By Virginia Code, the Clerk must preserve, in perpetuity, all real estate, land, vital, marriage, and probate records. In FY 2019, the Clerk's Office maintained almost 54 million digital document images on its servers. But as the Clerk preserves newest records, the Court also cares for the Court's Historic Records. To help manage budgetary expenditures for physical preservation, the Archival Staff of the Clerk's Office established an Historic Records Preservation Plan, which identifies and prioritizes specialized preservation, conservation, and digitization of our 17th and 18th Century Court Records. 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 2019, the top-ten operating expenditures were software maintenance costs, with a full 40 percent of the Circuit Court's Operating Budget consumed by technology maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 250 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. Furthermore, as Body-Worn Cameras and other digital evidence increases, the Court's servers that store those digital files will have higher annual maintenance costs.

The Leading Trial Court in Virginia

In addition to Fairfax's own large caseload, the Supreme Court of Virginia has transferred several complex class action lawsuits and has again assigned multi-jurisdictional grand juries to Fairfax in the past year. Likely because of Fairfax's comprehensive case management experience, effective jury system, experience in managing high-profile cases, and the high-performing legal records staff who can handle such complexity, Fairfax has again been selected to host a regional multi-jurisdictional grand jury in 2019. Furthermore, newest trends in problem-solving courts have come to Fairfax. Pursuant to the Code of Virginia, the Fairfax Circuit Court has established a Veterans Treatment Docket for qualifying military veterans. And recently, the Circuit Court has also launched a Drug Court, which is a specially tracked docket that identifies qualifying, non-violent defendants to receive intense drug addiction treatment, as part of, and to ensure, their probation-compliance requirements. The Clerk's Office supports its high-performing legal records specialists and courtroom personnel, as they master emerging national trends in trial court administration.

In a Class of Its Own: Retaining Courthouse Talent

Court customers rightly expect a knowledgeable and responsive court staff, so personnel are 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, in a local courthouse that sits only 17 miles from Washington D.C.'s many federal courts. Because of their court-specific experience, fluency with the Code of Virginia, and paraprofessional exposure to civil procedure, criminal procedure, and jury trials, the Clerk's talented staff are being recruited by federal and state courts, private sector law firms, and other County agencies, with the explicit enticement of higher pay. 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 legal-specific work that Circuit Court staff perform daily, the County can recruit and retain top talent when it accurately describes and classifies the work of Virginia's largest trial court.

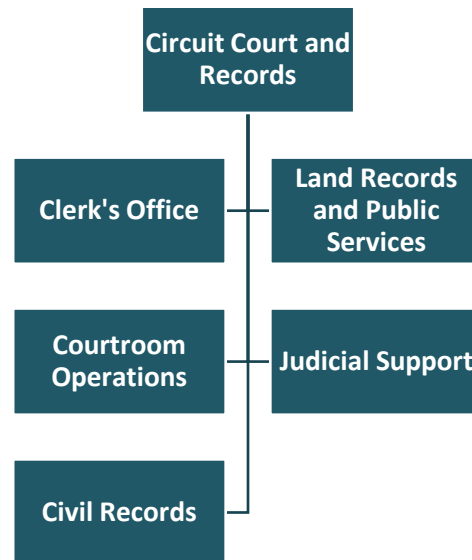
Staff, Specialists in Their Field

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-judgement 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. Anticipating, and preparing for, new trends in court administration, such as the Drug Court and Veterans Docket, as well as pioneering the management and maintenance of digital evidence, are required skills for court staff.

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. In FY 2018, Clerk's staff were asked to speak nationally, and state-wide, on issues such as fraud prevention, cybersecurity for court records, customer service in the legal context, e-signatures in courts, and ethics in the law. Arming emerging court leaders with supervisory and management training offered locally by the County, as well as the commensurate legal training offered state-wide and nationally, helps us remain Virginia's "Rocket Docket."

Organizational Chart



Budget and Staff Resources

Category	FY 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
FUNDING				
Expenditures:				
Personnel Services	\$9,553,830	\$10,436,835	\$10,436,835	\$10,841,296
Operating Expenses	2,083,153	1,995,826	2,067,302	2,195,826
Capital Equipment	44,736	0	57,911	0
Total Expenditures	\$11,681,719	\$12,432,661	\$12,562,048	\$13,037,122
Income:				
Land Transfer Fees	\$25,115	\$26,194	\$26,194	\$26,194
Courthouse Maintenance Fees	29,950	32,475	32,475	32,475
Circuit Court Fines and Penalties	86,222	111,913	111,913	111,913
Copy Machine Revenue	70,756	75,646	70,756	70,756
County Clerk Fees	4,584,985	4,530,880	4,742,414	4,789,838
City of Fairfax Contract	259,854	259,854	240,932	293,607
Recovered Costs - Circuit Court	3,646	25	25	25
CPAN	376,701	333,500	376,701	376,701
State Shared Retirement - Circuit Court	172,612	182,465	182,465	182,465
Total Income	\$5,609,841	\$5,552,952	\$5,783,875	\$5,883,974
NET COST TO THE COUNTY	\$6,071,878	\$6,879,709	\$6,778,173	\$7,153,148
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	140 / 140	142 / 142	156 / 156	156 / 156
Exempt	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15

**FY 2021
Funding
Adjustments**

The following funding adjustments from the FY 2020 Adopted Budget Plan are necessary to support the FY 2021 program:

Employee Compensation **\$404,461**
 An increase of \$404,461 in Personnel Services includes \$214,766 for a 2.06 percent market rate adjustment (MRA) for all employees and \$189,695 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2020.

Body-Worn Camera Program **\$100,000**
 An increase of \$100,000 is required to support the first year of the County's Body-Worn Camera program. Funding is associated with increased storage capacity to records management system for video evidence.

Diversion First **\$100,000**
 An increase of \$100,000 is included to support the County's Diversion First initiative. Diversion First is a multiagency collaboration that aims to reduce the number of people with mental illness in the County jail by diverting low-risk offenders experiencing a mental health crisis to treatment rather than bring them to jail. Funding is associated with toxicology supplies and screening, electronic monitoring and incentive items for the Drug Court, Veterans Treatment Docket and Mental Health Docket in order to meet compliance requirements associated with the Virginia Supreme Court and the National Association of Drug Court Professionals.

**Changes to
FY 2020
Adopted
Budget Plan**

The following funding adjustments reflect all approved changes in the FY 2020 Revised Budget Plan since passage of the FY 2020 Adopted Budget Plan. Included are all adjustments made as part of the FY 2019 Carryover Review, and all other approved changes through December 31, 2019.

Carryover Adjustments **\$79,387**
 As part of the FY 2019 Carryover Review, the Board of Supervisors approved \$79,387 including \$31,853 encumbered funding in Operating Expenses and \$47,534 in Capital Equipment.

Body-Worn Camera Program **\$50,000**
 As part of the FY 2019 Carryover Review, the Board of Supervisors approved one-time funding of \$50,000 for the Body-Worn Camera program for hardware, software and software maintenance costs. Funding is associated with increased storage capacity to records management system for video evidence.

Reclassification of Non-Merit Benefits Eligible Positions to Merit **\$0**
 As part of an ongoing Board-directed review of the County's use of limited-term staffing, 14/14.0 FTE new merit positions are included due to the reclassification of non-merit benefits-eligible positions to merit status. These are part of a total of 235 positions that were identified in the FY 2019 Carryover Review across all County agencies as candidates for possible conversion based on the tasked performed by each position and the hours worked by incumbents. No additional funding has been included as the work hours of these positions are expected to remain largely unchanged.

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 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
EXPENDITURES				
Total Expenditures	\$1,601,012	\$3,208,113	\$3,208,113	\$3,316,157
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	31 / 31	31 / 31	31 / 31	31 / 31

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 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
EXPENDITURES				
Total Expenditures	\$2,303,042	\$2,525,908	\$2,525,980	\$2,610,677
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	41 / 41	41 / 41	46 / 46	46 / 46

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 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
EXPENDITURES				
Total Expenditures	\$4,425,778	\$3,076,749	\$3,204,342	\$3,349,003
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	21 / 21	23 / 23	24 / 24	24 / 24
Exempt	9 / 9	9 / 9	9 / 9	9 / 9

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 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
EXPENDITURES				
Total Expenditures	\$1,092,410	\$1,555,413	\$1,555,413	\$1,614,789
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

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 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised
EXPENDITURES				
Total Expenditures	\$2,259,477	\$2,066,478	\$2,068,200	\$2,146,496
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)				
Regular	45 / 45	45 / 45	53 / 53	53 / 53

Position Detail

The FY 2021 Advertised Budget Plan includes the following positions:

LAND RECORDS AND PUBLIC SERVICES - 31 Positions			
3	Legal Records Supervisors	2	Legal Records Managers II
3	Senior Legal Records Clerks	16	Legal Records Clerks
1	Legal Records Manager III	6	Probate Clerks
COURTROOM OPERATIONS - 46 Positions			
1	Legal Records Manager III	13	Legal Records Clerks
2	Legal Records Managers II	2	Courtroom Supervisors
4	Legal Records Supervisors	15	Courtroom Clerks
5	Senior Legal Records Clerks	1	Business Analyst II
1	Assistant Legal Records Clerk	2	Administrative Assistants I
CLERK'S OFFICE - 33 Positions			
1	County Clerk (Elected), E	1	Network/Telecom. Analyst III
1	Deputy County Clerk, E	1	Network/Telecom. Analyst I
1	Management Analyst IV	1	Programmer Analyst IV
2	Management Analysts III, E	1	Programmer Analyst II
1	Management Analyst I	1	Financial Specialist II
2	Administrative Assistants V, E	1	Financial Specialist I
5	Administrative Assistants IV, 1E	1	Human Resources Generalist II
1	Administrative Assistant II	1	Archives Technician
1	Administrative Assistant I	1	Assistant Archivist
1	Info. Tech. Program Mgr. I	1	Business Analyst IV
1	Info. Tech. Technician III	1	Legal Records Manager III, E
1	Info. Tech. Technician II	1	Legal Records Clerk, E
3	Info. Tech. Technicians I		

JUDICIAL SUPPORT - 32 Positions			
1	Chief Judge S	1	Legal Records Supervisor
14	Judges S	1	Senior Legal Records Clerk
15	Judicial Law Clerks E		
CIVIL RECORDS - 53 Positions			
1	Legal Records Manager III	33	Legal Records Clerks
2	Legal Records Managers II	2	Assistant Legal Records Clerks
3	Legal Records Supervisors	1	Administrative Assistant II
6	Senior Legal Records Clerk	5	Administrative Assistants I
E	Denotes Exempt Position(s)		
S	Denotes State Position(s)		

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, meets and exceeds performance measurements. With over 1.3 million residents in Fairfax City and the County of Fairfax, the Clerk issued 5,843 marriage licenses and took in 3,333 cases involving broken marriages, in FY 2019. A full 98 percent of divorce cases are finalized within 15 months of the suit's original filing. Despite the fact that Fairfax has such a high volume of domestic cases, the Circuit 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."

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 58,000 juror questionnaires, and the Clerk offers an online submission portal, so potential jurors can complete their jury questionnaire online. Currently, 54 percent of the questionnaires are submitted online. Once the citizens are chosen to serve and they are called for court, the citizens enjoy access to Wi-Fi while they wait to be empaneled. The jury assembly room also has a refrigerator for jurors with special dietary needs or medicine that needs refrigeration. 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 84 percent Juror Utilization Rate, making the County's jury department a highly efficient system. Customer service always remains a priority, especially when residents are exercising their civic rights and civic duties.

In FY 2019, the Probate Division took an average of 21 appointments per day, helping keep the wait time for an appointment low. For Fairfax families who have suffered the loss of a loved-one, getting an appointment with experts in estate administration within two weeks, makes for a smooth transition through an already difficult time.

Circuit Court and Records

Indicator	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate/Actual	FY 2020 Estimate	FY 2021 Estimate
Land Records and Public Services					
Percent change in time to return documents	0%	(16%)	0%/100%	0%	0%
Percent change of CPAN connections	13.6%	2.8%	0.0%/3.0%	0.0%	0.0%
Percent change in waiting time	0.0%	33.0%	0.0%/35.0%	(26.0%)	(26.0%)
Courtroom Operations					
Percentage point change in juror utilization rate	1	1	1/(5)	0	0
Clerk's Office					
Percentage change in number of requests (phone & email) received	48%	(12%)	3%/6%	2%	2%
Civil Records					
Percentage point change of DCTP Law caseload concluded within one year	1	(1)	1/(4)	0	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	(1)	1	0/0	0	0

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2021-advertised-performance-measures-pm>