

# 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 over 288,758 land transactions last year, a 75 percent increase over FY 2020. 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 & Domestic Relations District Court. All appeals are heard *de novo*, meaning cases are tried from the beginning, giving the citizen an all-new hearing on the facts of the case. And, as opposed to the lower courts, Circuit Court offers all litigants the right to a jury trial. 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.

The Clerk of Court’s mission is to serve the citizen, the bench, and the bar, and to exceed their high expectations of Virginia’s largest Circuit Court by keeping public records well-preserved and readily available. Fairfax County citizens expect a highly-informed, knowledgeable, customer-oriented staff. The Clerk’s Office has maintained its culture of excellence by relying on two major budgetary investments: talent and technology. Because of this investment in talented people and agile systems, the Fairfax Circuit Court has remained open to the public throughout all phases of the pandemic.

The Courts have been able to provide 24-hour customer access to land and business records through the Court Public Access Network (CPAN) and the web-based case management system. Technology allowed for land records to be recorded electronically, through the Clerk’s Electronic Filings System (EFS). Although the Clerk’s office has resumed in-person appointments for marriage licenses, the Clerk’s office continues to offer the online Marriage License pre-application to help reduce the time spent in the courthouse.

Capitalizing on all that technology has to offer requires a properly trained staff, who must keep pace with system updates and new releases. The Clerk places a pronounced emphasis on not only functional, system trainings for staff, but on subject-matter education and training offered by national court associations and land records industry groups. Staff keeps abreast of best practices for state courts by regularly attending trainings on legal practice standards and overall industry trends.

### **Maximizing Court Technology**

The Fairfax Circuit Court manages to outperform statewide averages for docket and land records volume and performance through cutting-edge workflows and utilizing legacy systems to their fullest potential. Through web-based case management, online trial scheduling, digital-imaging, and SQL-reporting, the Court is consistently able to conclude 85 percent of Civil Law cases within 12 months and conclude 96 percent of Civil-Domestic cases within 15 months, surpassing Virginia Supreme Court performance goals, despite the Court's large size. On the land records side, with the E-Submitter Program, now 96 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 continues to reduce the number of trips a court-user must make to the courthouse.

The fully integrated case management system links case management, document management and financial management systems, and allows the Clerk's staff to efficiently handle complex cases from beginning to end. It is likely because of Fairfax's comprehensive case management system, along with effective jury management, experience with high-profile cases, and staff who can handle such complexity, that Fairfax has again been selected to host a regional multi-jurisdictional grand jury in 2022. Furthermore, newest trends in problem-solving courts continue in Fairfax. Pursuant to the Code of Virginia, the Fairfax Circuit Court has held the Veterans Treatment Docket for qualifying military veterans, as well as the 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.

### **A Perpetual Record for a Digital Era**

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—takes up large amounts of server-space.

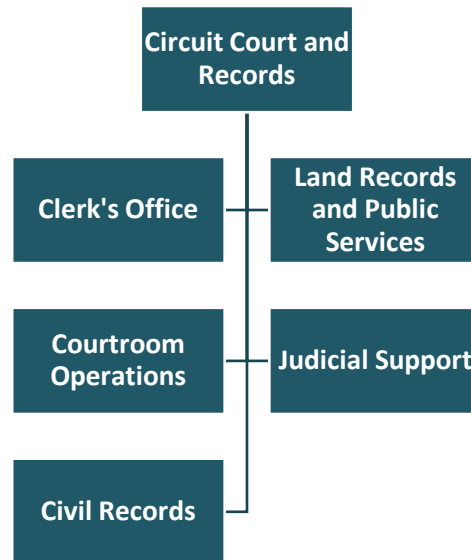
To meet these emerging trends, the Clerk has allocated IT staff and paraprofessional staff to explore the most cost-effective ways to receive, preserve, and manage this digital discovery and trial exhibit evidence. By Virginia Code, the Clerk must preserve, in perpetuity, almost all digital case records, and all real estate, land, vital, marriage and probate records. In FY 2021, the Clerk's Office maintained almost 58 million digital images of court records and land records on its servers. The Clerk must also care for the Court's Historic Records. To help manage budgetary expenditures for physical preservation, the Archival Staff of the Clerk's Office writes and observes an Historic Records Five-Year Preservation Plan, which identifies and prioritizes specialized preservation, conservation, and digitization of 17<sup>th</sup> and 18<sup>th</sup> century court records.

In order to responsibly on-board new technologies, and support these digitized archival treasures, 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 2021, 39 percent of the Circuit Court's Operating Budget was consumed by technology system maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 275 years of Fairfax legal records, it is also a factor in responsible stewardship, and it influences the Clerk's contract negotiation strategies, as we enter into the newest technology initiatives.

## “Essential” Staff, Specialists in Court Administration

Court customers rightly expect a knowledgeable and responsive court staff, so investing in personnel is a wise decision for the Clerk. The high pace and volume, the headline-making trials, and the natural energy of the state’s largest court, make for a unique working environment. Because of their court-specific experience, fluency with the Code of Virginia, and exposure to the confidential nature of civil procedure, criminal procedure and jury trials, the Clerk’s talented staff are court paraprofessionals, whose work stands apart from traditional administrative positions. 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, court technology updates, legal ethics, vendor-specific system trainings, court financial management, post-judgement remedial measures, jury management, and Courthouse-specific customer service. 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 addition, Circuit Court clerks were deemed “essential” personnel by the Supreme Court of Virginia, and were required to report to the courthouse, every day throughout the pandemic.

## Organizational Chart



**Budget and Staff Resources**

Category	FY 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>FUNDING</b>				
<b>Expenditures:</b>				
Personnel Services	\$10,090,224	\$10,541,091	\$10,703,591	\$11,183,670
Operating Expenses	2,014,382	2,245,826	2,429,454	2,246,143
Capital Equipment	116,469	0	73,901	0
<b>Total Expenditures</b>	<b>\$12,221,075</b>	<b>\$12,786,917</b>	<b>\$13,206,946</b>	<b>\$13,429,813</b>
<b>Income:</b>				
Land Transfer Fees	\$32,802	\$26,194	\$26,194	\$26,194
Courthouse Maintenance Fees	26,162	32,475	32,475	32,475
Circuit Court Fines and Penalties	43,726	111,913	60,757	60,757
County Clerk Fees	6,287,574	4,550,364	5,585,581	5,585,581
City of Fairfax Contract	269,146	269,146	225,479	285,964
Recovered Costs - Circuit Court	338	25	25	25
CPAN	393,689	376,701	401,242	401,242
State Shared Retirement - Circuit Court	171,967	182,465	182,465	182,465
<b>Total Income</b>	<b>\$7,225,404</b>	<b>\$5,549,283</b>	<b>\$6,514,218</b>	<b>\$6,574,703</b>
<b>NET COST TO THE COUNTY</b>	<b>\$4,995,671</b>	<b>\$7,237,634</b>	<b>\$6,692,728</b>	<b>\$6,855,110</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
Regular	156 / 156	156 / 156	155 / 155	155 / 155
Exempt	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15

**FY 2023 Funding Adjustments**

The following funding adjustments from the FY 2022 Adopted Budget Plan are necessary to support the FY 2023 program:

**Employee Compensation \$642,579**

An increase of \$642,579 in Personnel Services includes \$422,241 for a 4.01 percent market rate adjustment (MRA) for all employees and \$220,338 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2022.

**Department of Vehicle Services Charges \$317**

An increase of \$317 in Department of Vehicle Services Charges is based on anticipated billings for maintenance and operating-related charges.

**Changes to  
FY 2022  
Adopted  
Budget Plan**

The following funding adjustments reflect all approved changes in the FY 2022 Revised Budget Plan since passage of the FY 2022 Adopted Budget Plan. Included are all adjustments made as part of the FY 2021 Carryover Review, FY 2022 Mid-Year Review, and all other approved changes through December 31, 2021:

**Carryover Adjustments \$420,029**

As part of the FY 2021 Carryover Review, the Board of Supervisors approved funding of \$420,029, including \$162,500 in Personnel Services for a one-time compensation adjustment of \$1,000 for merit employees and \$500 for non-merit employees paid in November 2021. The remaining amount of \$257,529 is due to encumbered funding of \$217,529 in Operating Expenses and \$40,000 in Capital Equipment.

**Position Adjustments \$0**

The County Executive approved the redirection of 1/1.0 FTE Administrative Assistant IV position to this agency to support workload requirements in FY 2022. In addition, the Board of Supervisors approved the reduction of 2/2.0 FTE positions as part of the *FY 2021 Carryover Review*.

**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.

Category	FY 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>EXPENDITURES</b>				
Total Expenditures	\$2,451,471	\$3,235,773	\$3,264,917	\$3,407,111
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
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 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>EXPENDITURES</b>				
Total Expenditures	\$2,502,746	\$2,547,998	\$2,590,011	\$2,683,067
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
Regular	46 / 46	46 / 46	45 / 45	45 / 45

## 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 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>EXPENDITURES</b>				
Total Expenditures	\$3,878,108	\$3,345,275	\$3,632,114	\$3,460,221
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
Regular	25 / 25	25 / 25	27 / 27	27 / 27
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 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>EXPENDITURES</b>				
Total Expenditures	\$1,026,463	\$1,570,727	\$1,586,727	\$1,665,077
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
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 2021 Actual	FY 2022 Adopted	FY 2022 Revised	FY 2023 Advertised
<b>EXPENDITURES</b>				
Total Expenditures	\$2,362,287	\$2,087,144	\$2,133,177	\$2,214,337
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>				
Regular	52 / 52	52 / 52	50 / 50	50 / 50

## Position Detail

The FY 2023 Advertised Budget Plan includes the following positions:

LAND RECORDS AND PUBLIC SERVICES - 31 Positions			
1	Legal Records Manager III	3	Senior Legal Records Clerks
2	Legal Records Managers II	3	Legal Records Supervisors
6	Probate Clerks	16	Legal Records Clerks
COURTROOM OPERATIONS - 45 Positions			
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
13	Legal Records Clerks		
CLERK'S OFFICE - 36 Positions			
1	County Clerk (Elected), E	1	Network/Telecom. Analyst III
2	Deputy County Clerk, 1E	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 III
1	Administrative Assistant V, E	1	Financial Specialist II
6	Administrative Assistants IV, 1E	1	Financial Specialist I, E
1	Administrative Assistant II	1	Human Resources Generalist II
1	Administrative Assistant I	1	Archives Technician
1	Info. Tech. Program Mgr. I	1	Assistant Archivist
1	Info. Tech. Technician III	1	Business Analyst IV
1	Info. Tech. Technician II	1	Legal Records Manager III, E
3	Info. Tech. Technicians I	1	Legal Records Supervisor
		1	Legal Records Clerk, E
JUDICIAL SUPPORT - 32 Positions			
1	Chief Judge S	1	Courtroom Supervisor
14	Judges S	1	Senior Legal Records Clerk
15	Judicial Law Clerks E		
CIVIL RECORDS - 50 Positions			
1	Legal Records Manager III	32	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 Clerks	3	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 19<sup>th</sup> 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, or (for Fairfax residents) to get a marriage license, probate a will, or become a notary. The Clerk's Office, like the Court, has Constitutionally- and statutorily mandated duties, and, as an essential service provider was directed by the Virginia Supreme Court to stay open and remain operational to the public. The Fairfax Circuit Court and Records will continue to provide uninterrupted access to justice and court services, even in the face of this global pandemic.

The Circuit Court, through increased efficiencies, technologies, and with a highly trained staff, meets or exceeds performance measurements. Remarkably, workload continues to grow. The Clerk's Office was open and doing more business than the previous year. Due to record-low mortgage rates, the land records division took in more real estate e-recordings. Additionally due to a legislative

change, applications for concealed weapons permits were at an all-time high. Marriage licenses also experienced modest growth.

The Circuit Court finalized 96 percent of domestic cases within 15 months of filing in FY 2021. This exceeds the Commonwealth's goal of 90 percent completion in that time period, earning the reputation that the Fairfax Circuit Court is one of the most efficient circuit courts in the Commonwealth.

A second area of streamlined performance is the Clerk's management of the Court's jury system. Jury service is a civic right and a 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 of each year, the jury clerk sends out about 60,000 juror questionnaires. Potential Jurors can complete the questionnaire from the convenience of their home using the Clerk's online submission portal. Currently, 61 percent of the questionnaires are submitted online. In November 2020, jury trials resumed at a very limited capacity. Through the end of FY 2021, over 1,100 citizens were brought into the Courthouse, to serve on petit juries. The juror utilization rate plummeted to 68 percent due to jury trials ceasing during the pandemic. Normally the juror utilization rate is in the low 80 percent range.

In FY 2021, the Probate Division had to shift to online appointments utilizing WebEx technology. Although we continued to book appointments, this process took significantly longer than in-person appointments, which resulted in an average of nine appointments per day, a 50 percent decrease from 18 appointments per day in FY 2020. Even with the reduced number of appointments per day, the waiting time for an appointment did not rise significantly.

As interest rates dropped to below three percent in FY 2021, the Clerk took in 288,758 records, compared to the previous fiscal year's 165,156, a 75 percent increase in the Fairfax real estate recordings. Resultingly, CPAN digital images grew by almost 2 million images, up to 57,811,588, in FY 2021.

Indicator	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimate	FY 2021 Actual	FY 2022 Estimate	FY 2023 Estimate
<b>Land Records and Public Services</b>						
Percent change in time to return documents	100%	180%	(43%)	(50%)	0%	(14%)
Percent change of CPAN connections	3.0%	0.2%	0.0%	4.2%	0.0%	0.0%
Percent change in waiting time	35.0%	(7.4%)	(20.0%)	4.0%	(11.5%)	0.0%
<b>Courtroom Operations</b>						
Percentage point change in juror utilization rate	(5)	(1)	(21)	(18)	18	8
<b>Clerk's Office</b>						
Percentage change in number of requests (phone & email) received	6%	(3%)	3%	14%	(15%)	0%
<b>Civil Records</b>						
Percentage point change of DCTP Law caseload concluded within one year	(4)	7	(2)	(2)	2	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	1	0	0	(2)	2	0

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2023-advertised-performance-measures-pm>