

# Circuit Court and Records

## Mission

To provide administrative support to the 19<sup>th</sup> 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.

## Connection to the Countywide Strategic Plan

The Fairfax County Board of Supervisors adopted the first-ever Countywide Strategic Plan on October 5, 2021. The Countywide Strategic Plan serves as a road map to help guide future work, focusing on the 10 Community Outcome Areas that represent the issues of greatest importance to the community, and uses our One Fairfax equity policy to invest in people and places that have limited access to opportunity. On February 20, 2024, the second Annual Report on the work of the strategic plan was released to the public. The report contains point-in-time progress highlights for each of the community outcome areas, plus three data dashboards and data stories that are being replicated across all of the outcome areas, and a number of additional initiatives to embed the elements of the plan within department-level work. The report also includes a Year Three Implementation Model, which will engage hundreds of County subject-matter experts to identify and champion the specific strategies that will move forward to implementation under the guidance of the Board of Supervisors. For more information on the Countywide Strategic Plan, please visit [www.fairfaxcounty.gov/strategicplan](http://www.fairfaxcounty.gov/strategicplan). Circuit Court and Records primarily supports the following Community Outcome Areas:



Community Outcome Area	Vision Statement
<b>Effective and Efficient Government</b>	<i>All people trust that their government responsibly manages resources, is responsive to their needs, provides exceptional services and equitably represents them.</i>
<b>Safety and Security</b>	<i>All people feel safe at home, school, work and in the community.</i>

## Focus

The Fairfax Circuit Court is a Virginia “Court of Record” and has jurisdiction over Fairfax County’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 25,000 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 County, recording 89,580 land transactions last year. As such, the Fairfax Circuit Court is 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 resident 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. Residents can also seek judicial review of administrative agency decisions in Circuit Court, and the Circuit Court hears appeals from the Board of Zoning Appeals, the Virginia Employment Commission, the Elections Registrar, and 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 of incarceration) and hears appeals of misdemeanors from the General District Court.

The Clerk of Court's mission is to serve the residents, 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 residents expect an 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.

The Circuit Court has 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 has allowed land records to be recorded electronically, through the Clerk's Electronic Filings System (EFS). Electronic filing for existing civil cases began in May 2022 and as of May 2023, almost all existing civil cases are now available for e-filing. New contract and divorce filings are also now available through e-filing. The plan is to expand electronic filing for all new civil case types by the fall of 2023. 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 outperforms 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, in FY 2023, the Circuit Court was able to conclude 83 percent of Civil Law cases within 12 months and 100 percent of Civil-Domestic cases within 15 months. On the land records side, with the E-Submitter Program, 88.4 percent of all land transactions are e-filed with the Clerk. Through this, and innovations such as the Clerk's marriage license pre-application, the Circuit Court's online Jury Questionnaire Submission System, Online Scheduling System (OSS), Civil e-Filing, and "E-Decree" initiative, the Circuit 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. Furthermore, the 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**

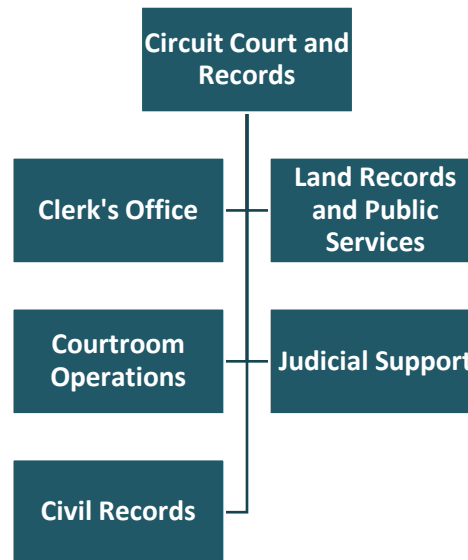
The Fairfax Circuit Court must *preserve forever* most of its case-related files, whether they are video files, digital audio file, or paper files. Digital evidence—whether audio or video files—takes up large amounts of server-space.

The Clerk has directed 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 2023, the Clerk's Office maintained over 60 million digital images of court records and land records on its servers. The Clerk must also care for the Circuit 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.

### **"Essential" Staff, Specialists in Court Administration**

Circuit Court customers expect 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 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.

## Organizational Chart



## Budget and Staff Resources

Category	FY 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$10,914,560	\$12,165,989	\$12,341,978	\$12,743,659	\$12,743,659
Operating Expenses	2,335,515	2,249,035	2,338,097	2,292,593	2,292,593
Capital Equipment	10,311	0	19,008	0	0
<b>Total Expenditures</b>	<b>\$13,260,386</b>	<b>\$14,415,024</b>	<b>\$14,699,083</b>	<b>\$15,036,252</b>	<b>\$15,036,252</b>
<b>Income:</b>					
Land Transfer Fees	\$22,017	\$26,194	\$26,194	\$26,194	\$26,194
Courthouse Maintenance Fees	24,902	32,475	32,475	32,475	32,475
Circuit Court Fines and Penalties	33,555	44,041	33,555	33,555	33,555
County Clerk Fees	4,493,542	4,376,521	4,116,911	4,199,249	4,199,249
City of Fairfax Contract	313,885	309,132	309,132	385,206	385,206
Recovered Costs - Circuit Court	156	25	100	100	100
CPAN	394,535	401,242	401,242	401,242	401,242
State Shared Retirement - Circuit Court	202,907	191,588	191,588	191,588	191,588
<b>Total Income</b>	<b>\$5,485,499</b>	<b>\$5,381,218</b>	<b>\$5,111,197</b>	<b>\$5,269,609</b>	<b>\$5,269,609</b>
<b>NET COST TO THE COUNTY</b>	<b>\$7,774,887</b>	<b>\$9,033,806</b>	<b>\$9,587,886</b>	<b>\$9,766,643</b>	<b>\$9,766,643</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	155 / 155	156 / 156	156 / 156	153 / 153	153 / 153
Exempt	24 / 24	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

**FY 2025  
Funding  
Adjustments**

*The following funding adjustments from the FY 2024 Adopted Budget Plan are necessary to support the FY 2025 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 7, 2024.*

**Employee Compensation \$735,120**

An increase of \$735,120 in Personnel Services includes \$241,572 for a 2.00 percent market rate adjustment (MRA) for all employees and \$212,188 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2024. The remaining increase of \$281,360 is included for employee pay increases for specific job classes identified in the County's benchmark class survey of comparator jurisdictions.

**Juror Fees \$93,317**

As previously approved by the Board of Supervisors as part of the *FY 2023 Carryover Review*, an increase of \$93,317 in Operating Expenses is due to an amendment in the Code of Virginia to increase the juror payment from \$30 per day to \$50 per day.

**Department of Vehicle Services Charges \$241**

An increase of \$241 in Department of Vehicle Services charges is based on anticipated billings for maintenance and operating-related charges.

**Reductions (\$207,450)**

A decrease of \$207,450 and 3/3.0 FTE positions reflects reductions utilized to balance the FY 2025 budget. The following table provides details on the specific reductions:

Title	Impact	Positions	FTE	Reduction
Eliminate 3/3.0 FTE Positions Based on Agency Efficiencies	This reduction eliminates 3/3.0 FTE merit positions that have been vacant for more than two years. Given the length of time these positions have been vacant and the Circuit Court and Records ability to absorb the associated workload across the remaining staff, it is not expected that this reduction will adversely impact agency operations.	3	3.0	\$157,450
Reduce Operating Budget due to Efficiencies and Cost Savings	As a result of the COVID-19 pandemic and the County's shift to a hybrid in-office and telework policy, the Circuit Court has realized efficiencies and cost savings in general operating expenditures such as office supplies and training. It is not expected this reduction will have a negative impact on agency operations.	0	0.0	\$50,000

**Changes to  
FY 2024  
Adopted  
Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2024 Revised Budget Plan since passage of the FY 2024 Adopted Budget Plan. Included are all adjustments made as part of the *FY 2023 Carryover Review*, *FY 2024 Third Quarter Review*, and all other approved changes through April 30, 2024.*

**Carryover Adjustments \$108,070**

As part of the *FY 2023 Carryover Review*, the Board of Supervisors approved funding of \$108,070 due to an increases of \$93,317 as a result of an amendment in the Code of Virginia to increase the juror payment from \$30 per day to \$50 per day and \$14,753 in Operating Expenses due to encumbered carryover.

**Third Quarter Adjustments** **\$175,989**

As part of the *FY 2024 Third Quarter Review*, the Board of Supervisors approved funding of \$175,989 to support employee retention efforts that reduce pay compression.

**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**

The Land Records and Public Services 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 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$2,538,163	\$3,707,504	\$3,744,568	\$3,867,526	\$3,867,526
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	31 / 31	32 / 32	32 / 32	32 / 32	32 / 32

**Courtroom Operations**

The Courtroom Operations cost center provides full administrative and paraprofessional support to the 19<sup>th</sup> 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 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$2,901,059	\$2,865,480	\$3,003,327	\$3,053,811	\$3,053,811
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	46 / 46	46 / 46	45 / 45	44 / 44	44 / 44

**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 residents of Fairfax.

Category	FY 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$4,224,833	\$3,671,027	\$3,729,391	\$3,698,270	\$3,698,270
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	27 / 27	27 / 27	30 / 30	28 / 28	29 / 29
Exempt	9 / 9	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 19<sup>th</sup> Judicial Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$1,098,115	\$1,789,255	\$1,789,255	\$1,949,420	\$1,949,420
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	2 / 2	2 / 2	2 / 2	2 / 2	2 / 2
Exempt	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
State	15 / 15	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 19<sup>th</sup> Judicial Circuit.

Category	FY 2023 Actual	FY 2024 Adopted	FY 2024 Revised	FY 2025 Advertised	FY 2025 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$2,498,216	\$2,381,758	\$2,432,542	\$2,467,225	\$2,467,225
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	49 / 49	49 / 49	47 / 47	47 / 47	46 / 46

## Position Detail

The FY 2025 Adopted Budget Plan includes the following positions:

<b>LAND RECORDS AND PUBLIC SERVICES - 32 Positions</b>					
1	Legal Records Manager III		3	Senior Legal Records Clerks	
2	Legal Records Managers II		3	Legal Records Supervisors	
7	Probate Clerks		16	Legal Records Clerks	
<b>COURTROOM OPERATIONS - 44 Positions</b>					
2	Legal Records Managers II		13	Legal Records Clerks	
4	Legal Records Supervisors		2	Courtroom Supervisors	
5	Senior Legal Records Clerks		15	Courtroom Clerks	
2	Assistant Legal Records Clerks		1	Administrative Assistant I [-1]	
<b>CLERK'S OFFICE - 38 Positions</b>					
1	County Clerk (Elected), E		1	Network/Telecom. Analyst I	
2	Deputy County Clerks, 1E		1	Programmer Analyst IV	
2	Management Analysts III, E		1	Programmer Analyst II	
1	Management Analyst I		1	Financial Specialist III	
3	Administrative Assistants V, 1E		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]	
1	Information Technology Program Manager I		1	Assistant Archivist	
1	Information Technology Technician III		1	Business Analyst IV	
1	Information Technology Technician II		1	Legal Records Manager III, E	
3	Information Technology Technicians I		2	Legal Records Clerks, E	
1	Network/Telecom. Analyst III		1	Business Analyst II	



JUDICIAL SUPPORT - 32 Positions			
1	Chief Judge, S	1	Courtroom Clerk
14	Judges, S	1	Senior Legal Records Clerk
15	Judicial Law Clerks, E		
CIVIL RECORDS - 46 Positions			
1	Legal Records Manager III	6	Senior Legal Records Clerks
2	Legal Records Managers II	31	Legal Records Clerks [-1]
3	Legal Records Supervisors	3	Administrative Assistants I
	<b>Denotes Abolished Position(s) due to Budget Reductions</b>		
E	<b>Denotes Exempt Position(s)</b>		
S	<b>Denotes State Position(s)</b>		

## Performance Measurement Results by Community Outcome Area

### Effective and Efficient Government

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 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.

With over 1.3 million residents in the City of Fairfax and Fairfax County, the clerk issued 6,645 marriage licenses and took in 3,237 divorce cases in FY 2023. Even though Fairfax has such a high volume of domestic cases, the Circuit Court finalized 100 percent of these cases within 15 months of filing. This has earned the Fairfax Circuit Court a reputation as one of the most efficient circuit courts in the Commonwealth of Virginia.

In FY 2023, fiduciary appointment wait time has increased to over seven weeks. This is primarily due to additional requirements to process enforcements. Each enforcement proceeding includes a minimum of four tasks: (i) issuing service to the fiduciary; (ii) processing the service return; (iii) setting the show cause hearing; and (iv) processing the court order. Most enforcements go through these four tasks multiple times. A new probate clerk position was funded in FY 2024. This position has been filled and training is ongoing. The goal is to reduce appointment wait time to 10 business days.

In FY 2023, the Clerk took in 89,580 records. CPAN digital images grew by almost one million images, up to 60,271,984 in FY 2023.

### Safety and Security

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 jury duty as convenient and efficient as possible. In the early fall of each year, the jury clerk sends out approximately 80,000 juror questionnaires. Potential jurors can complete the questionnaire using the Clerk's online submission portal. Currently, 47 percent of the questionnaires are submitted online. Through the end of FY 2023, 8,031 citizens were brought into the Courthouse, to serve on petit juries. The juror utilization rate was 87 percent for FY 2023.



Community Outcome Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2023 Actual	FY 2024 Estimate	FY 2025 Estimate
<b>Effective and Efficient Government</b>						
<b>Customer Satisfaction with County Services</b>						
Percent change in time to return documents	(50%)	(14%)	0%	(38%)	1%	1%
Percent change in waiting time	4.0%	61.5%	(45.2%)	85.7%	(48.7%)	(50.0%)
<b>Effective Technology and Quality Facilities</b>						
Percent change of CPAN connections	4.2%	(0.1%)	0.0%	0.4%	0.0%	0.0%
<b>Safety and Security</b>						
<b>Effective and Equitable Administration of Justice</b>						
Percentage point change in juror utilization rate	(18)	16	2	2	1	1
Percentage point change of DCTP Law caseload concluded within one year	(2)	(4)	(6)	(4)	4	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	(2)	(1)	3	5	(2)	0

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2025-adopted-performance-measures-pm>