



FAIRFAX CIRCUIT COURT & RECORDS ***Virginia's 19th Judicial Circuit***

LINES OF BUSINESS

FEBRUARY 5, 2016

CIRCUIT COURT AND RECORDS G8080

Fairfax County Lines of Business (LOBs)
Presentation to the Fairfax County Board of Supervisors



www.fairfaxcounty.gov/budget/2016-lines-of-business.htm





OUTLINE OF TODAY'S PRESENTATION

I. Overview of The Fairfax Circuit Court and Records

II. Practice Areas of the Virginia Code..... Circuit Court's "Lines of Business"

- 1) Probate/ Inheritance Law §64.2
- 2) Marriage, Notaries & Trade Names §47.1 and §20-14
- 3) Land Conveyances and Deeds, Trusts & Mortgages, Judgments & Archives §55 and §58.1
- 4) Civil Division §8.01, §17.1, and Rules of the Virginia Supreme Court, Rule 3:1 through 3:25
- 5) Criminal Division §18.2 and §19.2, and Rules of the Virginia Supreme Court, Rule 3A:1- 3A:25
- 6) Courtroom Operations: Civil Juries §8.01, Petit & Grand Juries §19.2 & Rules of Virginia Supreme Court, Rule 2:101- 2:1101
- 7) Judicial Support: Circuit Courts §17.1, Civil Procedure §8.01, Criminal Procedure §19.2, Rule 2:101- 2:1101
- 8) Custodian of the Public Record: Order Books §17.1-124, Civil Records §8.01, Criminal Records & Warrants §19.2
- 9) Accounting/General Receiver: Garnishments §8.01-511, Disbursements §8.01-582 & Accounting §8.01-600

III. How The Court's Code-Mandated Practice Areas relate to Fairfax County's "Vision Elements"

IV. Fairfax Circuit Court Metrics

V. Court Trends and Challenges

VI. The Future of Court Administration for Fairfax Circuit Court

VII. Discussion



OVERVIEW: CIRCUIT COURT & RECORDS

- ✓ The Fairfax Circuit Court is the **largest** Circuit Court in Virginia, serving the City of Fairfax & Fairfax County.
- ✓ **15 judges** constitute a full complement of the Fairfax Circuit Court, and the Clerk's Office supports these judges, taking in **over 25,000 new civil and criminal** cases each year.
- ✓ The Clerk has over **800 statutory duties under the Virginia Code**, which means the Lines of Business for Fairfax Circuit Court & Records reflect only a sampling of the Clerk's statutorily-mandated duties.
- ✓ The Circuit Court handles many types of **civil** cases, including but not limited to: contract disputes, medical/legal malpractice, personal injury, defamation, marriages, adoptions, divorces, disputes concerning wills, trusts and estates, election recounts, eminent domain cases, disputes over all land located in Fairfax.
- ✓ In **criminal** cases, the Circuit Court has original jurisdiction over the trial of all **felonies** (serious crimes that are punishable by more than one year in prison.) The Circuit Court also has jurisdiction over **misdemeanor** offenses (crimes carrying a penalty of 12 months or less) that are **appealed** from the General District and Juvenile & Domestic Relations Courts.
- ✓ As custodian of the public record, the Clerk of Court also manages the real estate records for Fairfax, recording **150,000 land transactions** every year. All land records (including judgments, deeds, deeds of trust, mortgages, and easements) are recorded in the Clerk's Office and stored as digital images.
- ✓ **46 million digital images** are searchable through the Court Public Access Network (CPAN).
- ✓ Through its quasi-judicial and administrative duties, the Clerk's Office also **probates** the estates of all deceased Fairfax residents (with written wills and intestate), **issues all marriage licenses** and manages the fair and efficient **jury** system for the Fairfax Circuit Court.



STATUTORY MANDATES (BY PRACTICE AREA): THE COURT'S "LINES OF BUSINESS"

Virginia Code	Lines of Business/ Areas of Law
§64.2 Wills, Trusts, and Fiduciaries	<i>Probate</i>
§47.1 The Virginia Notary Act §20-14 Marriage Licensure	<i>Public Services</i>
§55 Property and Conveyances §58.1-800 Deeds, Trusts, Mortgage Recordation & Taxation §17.1-294 Custodian of Secure Remote Access	<i>Lands & Judgments & Archives Division</i>
§8.01 Civil Remedies & Procedure §17.1 Virginia Circuit Courts Civil Practice: Rule 3:1-3:25 of the Virginia Supreme Court	<i>Civil Division</i>
§18.2 Crimes §19.2 Criminal Procedure Criminal Practice: Rule 3A:1- 3A:25 of the Virginia Supreme Court	<i>Criminal Division</i>
§8.01 Civil Juries §19.2 Grand Juries Trial Practice & Evidence: Rule 2:101- 2:1101 of the Virginia Supreme Court	<i>Courtroom Operations</i>
§17.1 Virginia Circuit Courts §8.01 Civil Remedies & Procedure §19.2 Criminal Procedure Trial Practice & Evidence: Rule 2:101- 2:1101 of the Virginia Supreme Court	<i>Judicial Support</i>
§17.1-124 Order Books §8.01 Civil Records §19.2 Criminal Records & Warrants Appellate Records: Rule 5:10 and 5:11 of the Virginia Supreme Court	<i>Custodian of the Public Record</i>
§8.01-582 Audits/Disbursements §8.01-600 Monies Paid into Court §8.01-511 Garnishments	<i>Accounting/General Receiver</i>



LOBS SUMMARY TABLE

LOB #	LOB Title	FY 2016 Adopted	
		Disbursements	Positions
175	Probate Division	\$655,087	8
176	Public Services Division	600,782	7
177	Lands, Judgments and Archives Division	1,523,967	24
178	Civil Division	2,284,237	38
179	Criminal Division	1,035,222	15
180	Courtroom Operations	1,523,967	24
181	Judicial Support	1,306,748	35
182	Custodian of the Public Record	1,415,462	22
183	General Receiver / Accounting	492,173	5
Total		\$10,837,645	178



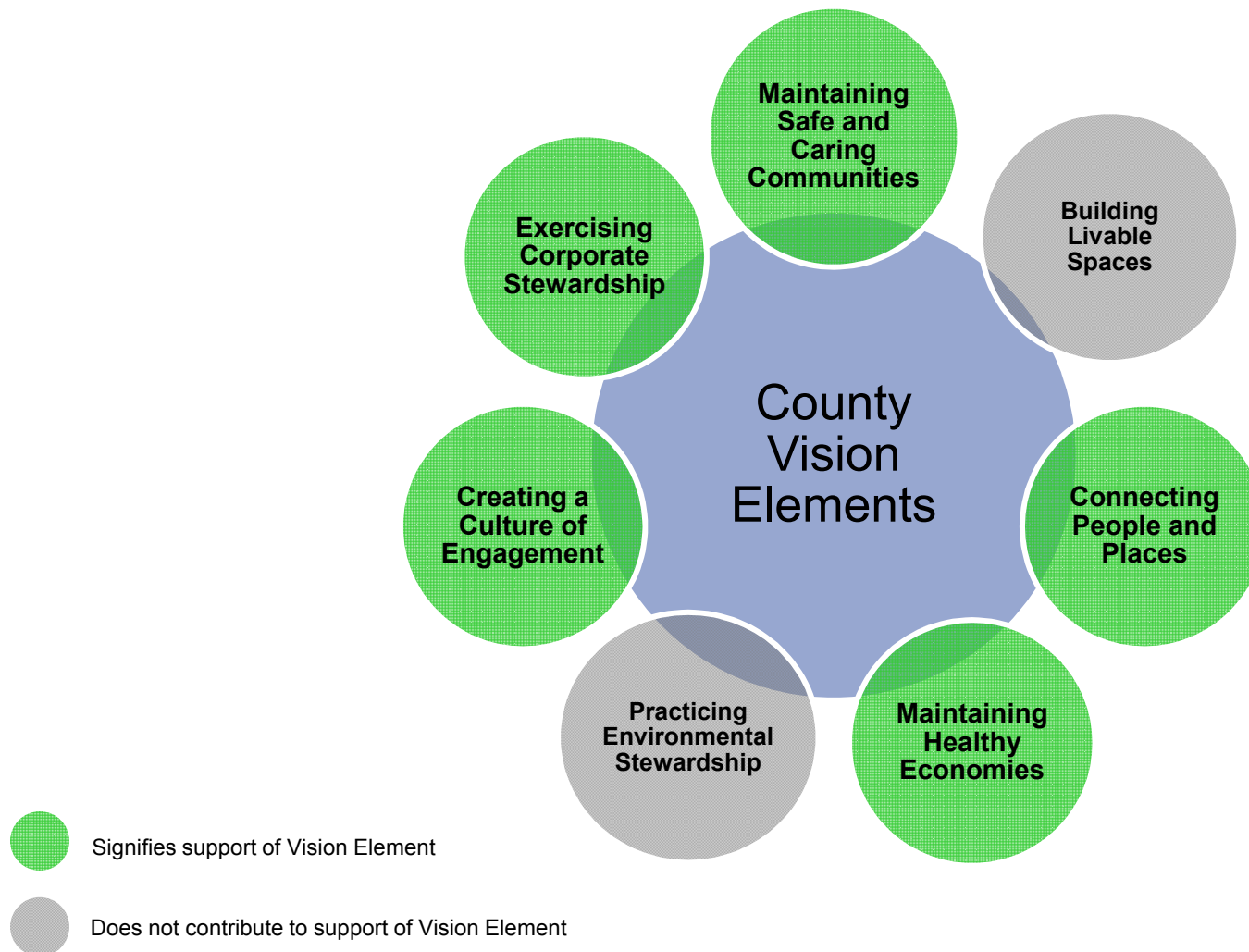
CIRCUIT COURT & RECORDS: RESOURCES

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
FUNDING			
<u>Expenditures:</u>			
Compensation	\$8,586,106	\$8,387,671	\$8,851,819
Operating Expenses	1,940,357	2,182,971	1,985,826
Total Expenditures	\$10,526,463	\$10,570,642	\$10,837,645
General Fund Revenue	\$5,569,025	\$5,468,939	\$5,258,482
Net Cost/(Savings) to General Fund	\$4,957,438	\$5,101,703	\$5,579,163
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	139 / 139	139 / 139	139 / 139
Exempt	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15
Total Positions	178 / 178	178 / 178	178 / 178



FAIRFAX COUNTY VISION ELEMENTS

The Fairfax Circuit Court's statutory mandates support:





CIRCUIT COURT METRICS

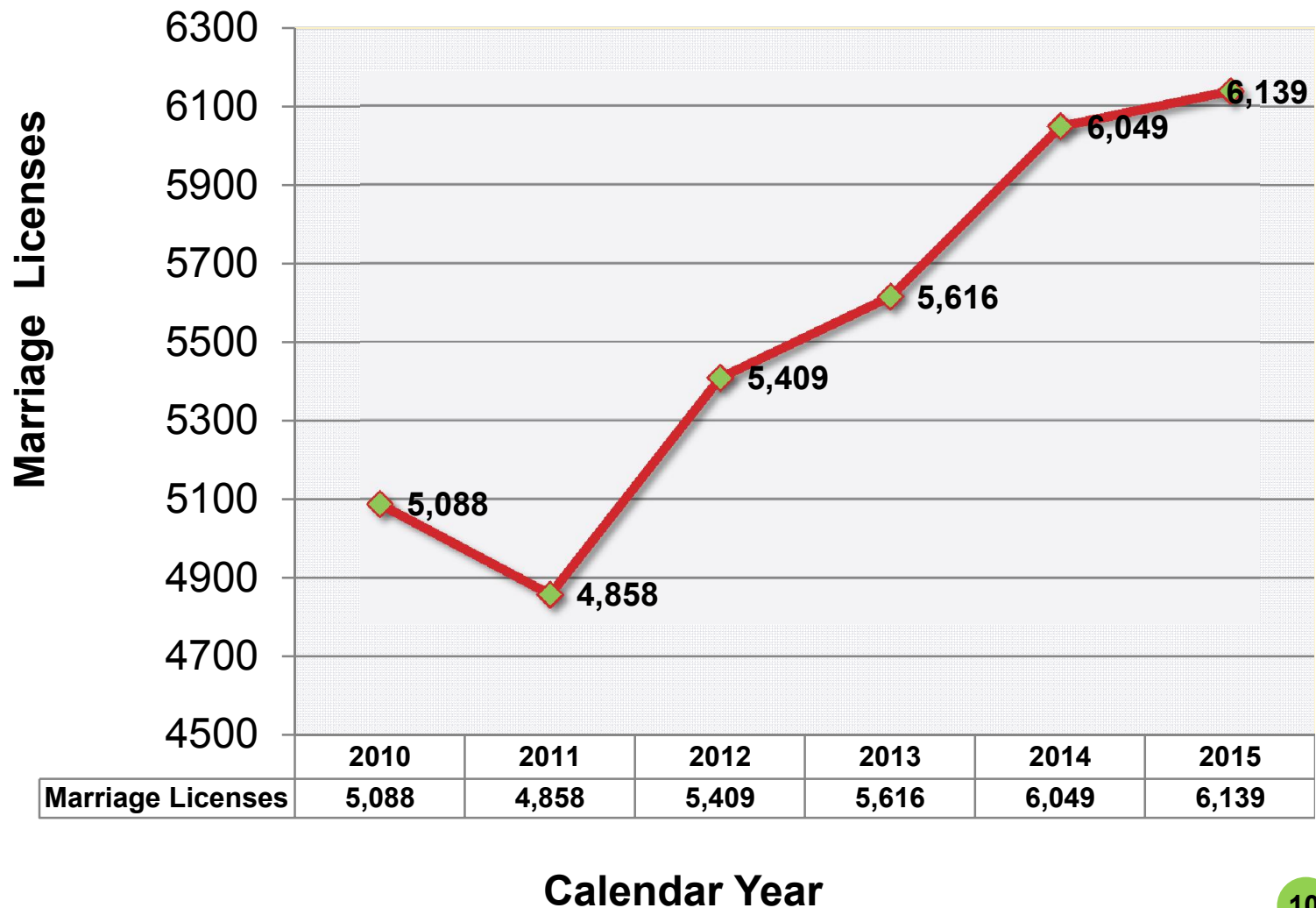
	FY 2013	FY 2014	FY 2015
Probate Division			
Probate Appointments Scheduled (per day)	20	21	22
Probate Appointment Wait (in weeks)	3	4	1
Public Services Division			
Marriage Licenses Issued (per calendar year)	5,448	5,811	6,071
Land Records & Judgments Division			
Land Transactions Recorded	248,584	154,777	149,726
Civil Division			
Number of Civil & Fiduciary Cases Filed (per year)	21,346	20,598	19,907
Percent of Civil DCTP Commercial Litigation concluded within 12 months	87%	86%	87%
Percent of Civil DCTP Divorce Cases concluded within 15 months	97%	98%	98%
Criminal Division			
Total Criminal Cases commenced *	7,074	6,863	6,978
Felonies	4,739	4,450	4,133
Misdemeanor Appeals Filed	2,239	2,319	2,753
Juvenile Appeals	96	94	92
Courtroom Operations			
Average Number of Citizens called for Jury Duty (each day of Jury Selection)	235	196	189
Jury Utilization Rate	91%	89%	89%
Judicial Support			
Judicial Clearance Rate	92.29%	92.98%	94.96%
Custodian of the Public Record			
Citizens E-filing their Jury Questionnaire with our Online Service	19,285	20,202	18,668
Total number of digital records/public records on CPAN	44,986,502	46,397,861	47,705,315
Accounting/General Receiver			
Number of Infant Settlement Accounts Held in Trust	271	243	215
One-time Civil Marriage Celebrant Bonds	219	191	239

* Many crimes have multiple counts which are used to calculate criminal caseload. This statistic includes all criminal counts commenced, per year.



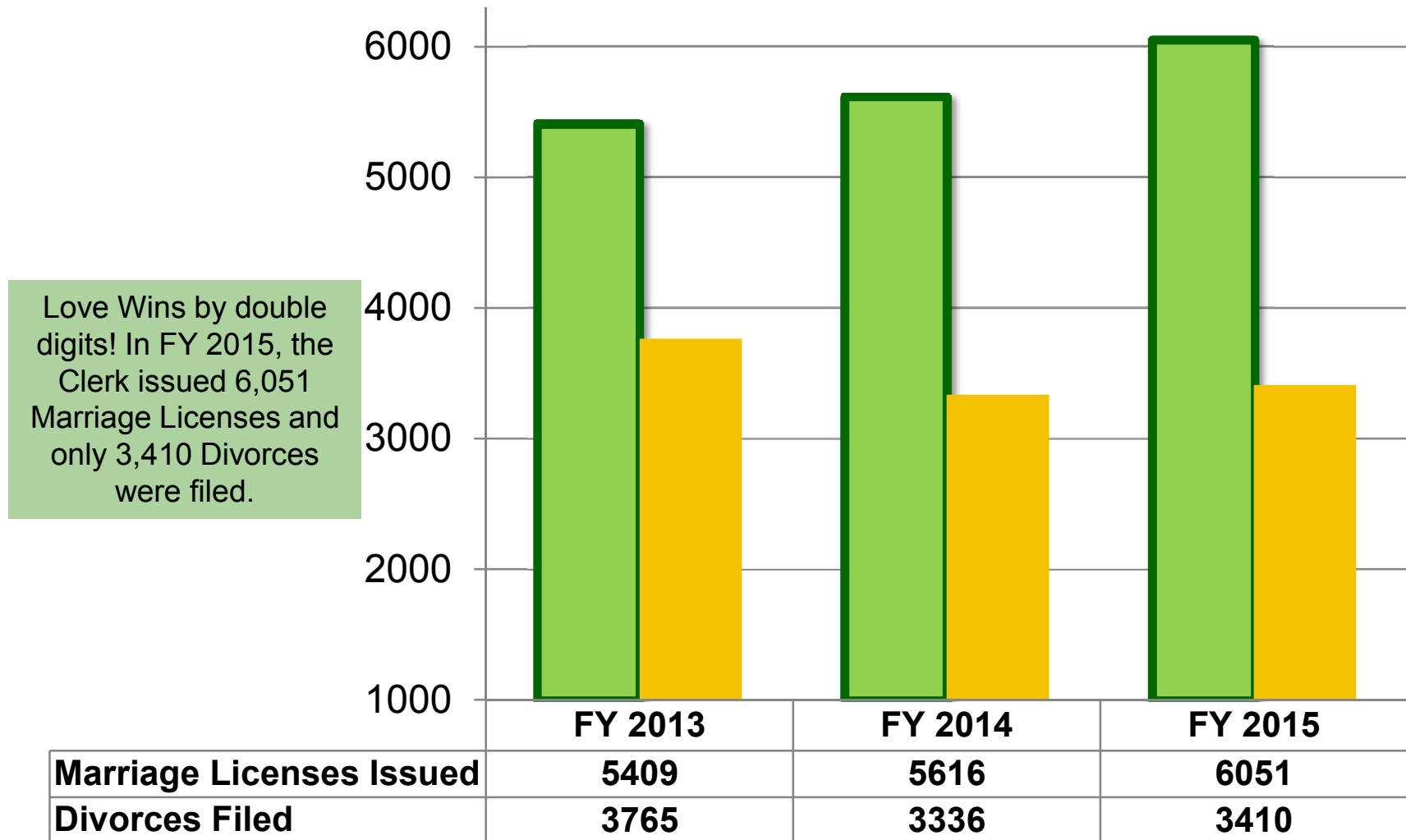
RECORD-BREAKING MARRIAGE LICENSES

Over the past 5 years, marriage licenses are up 21%





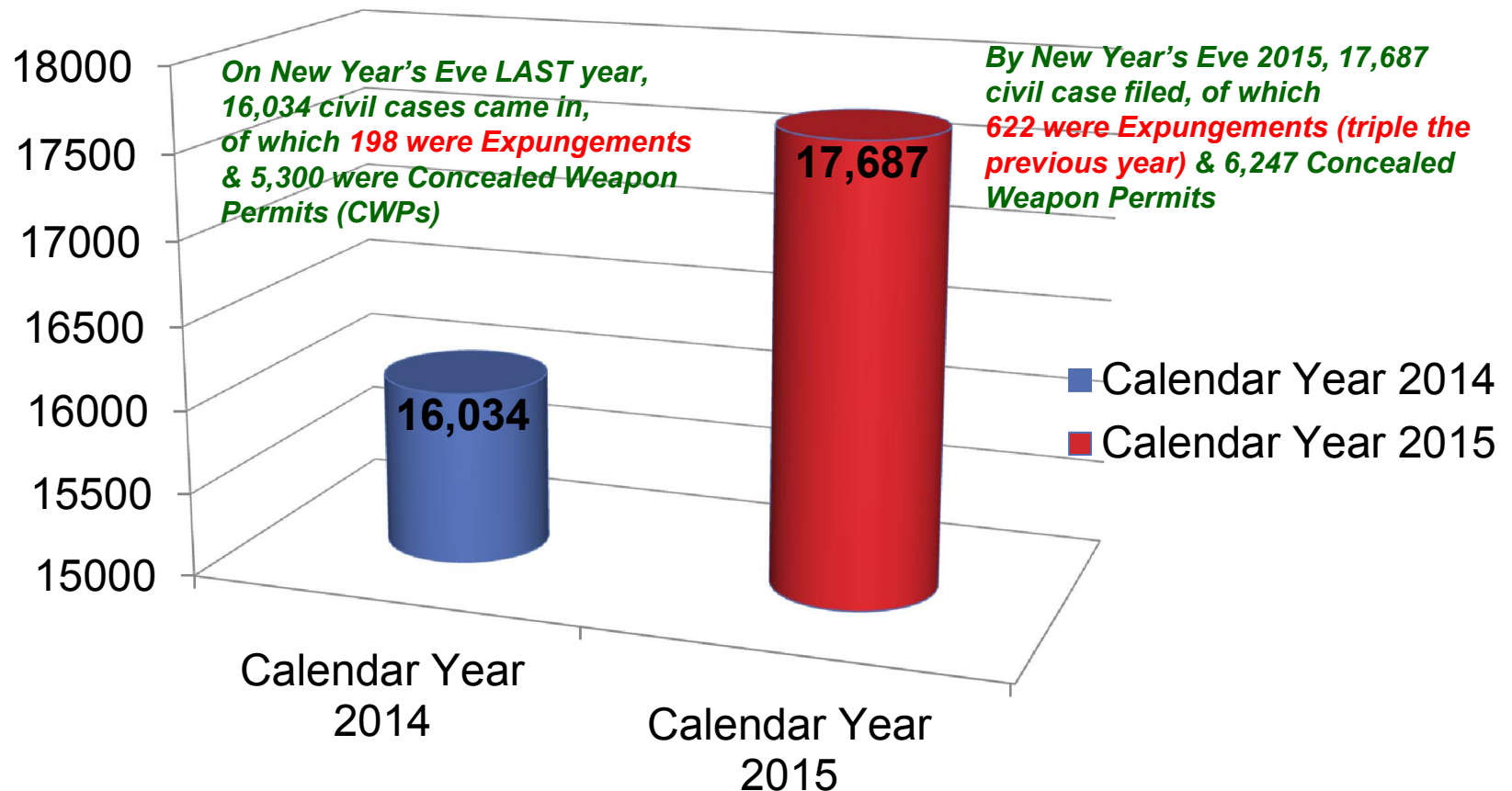
MARRIAGE LICENSES v. DIVORCE FILINGS





CIVIL CASES UP: EXPUNGEMENTS & CWP's UP

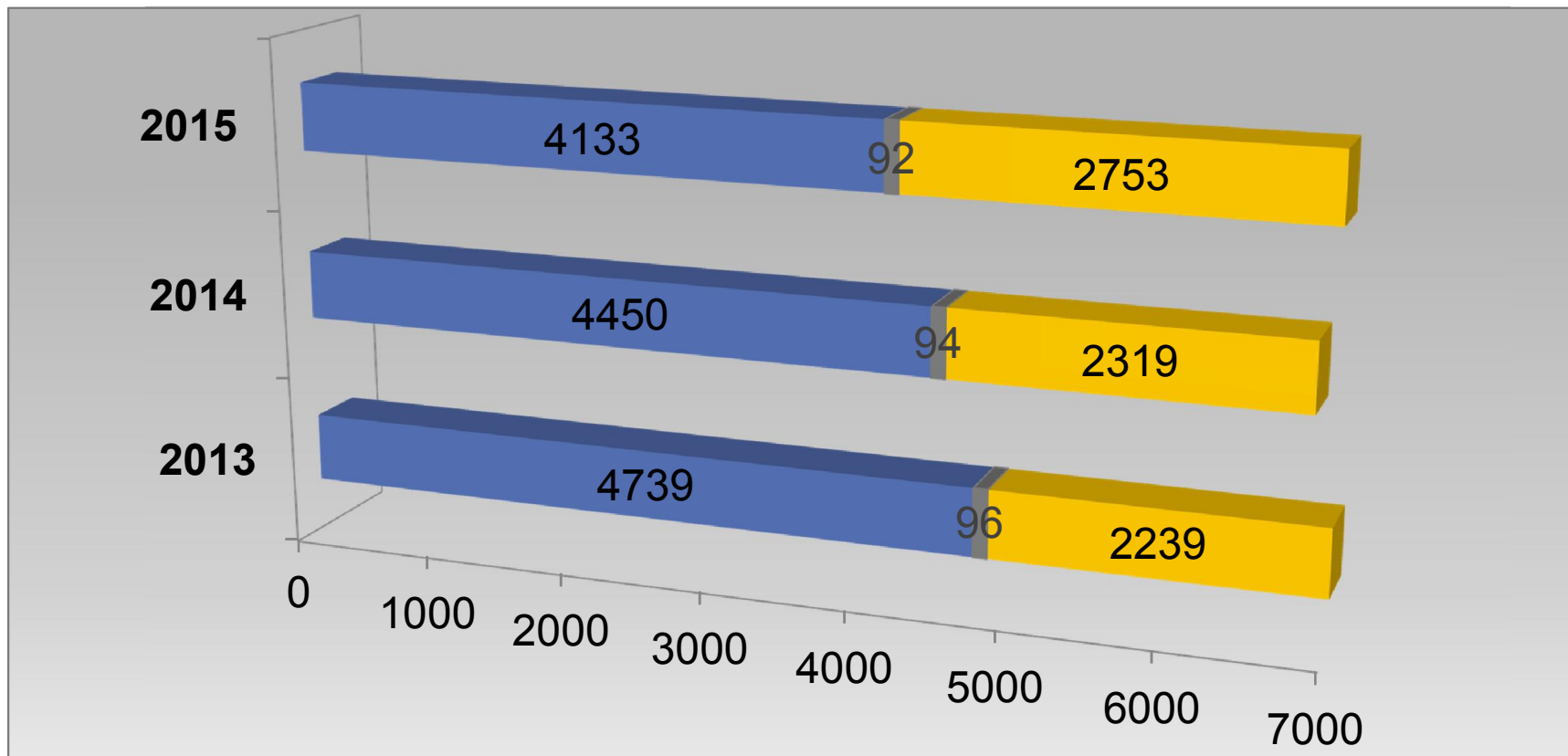
Total Civil Intakes





CRIMINAL CASE BREAKOUT

■ Felonies ■ Juvenile Appeals ■ Misdemeanor Appeals

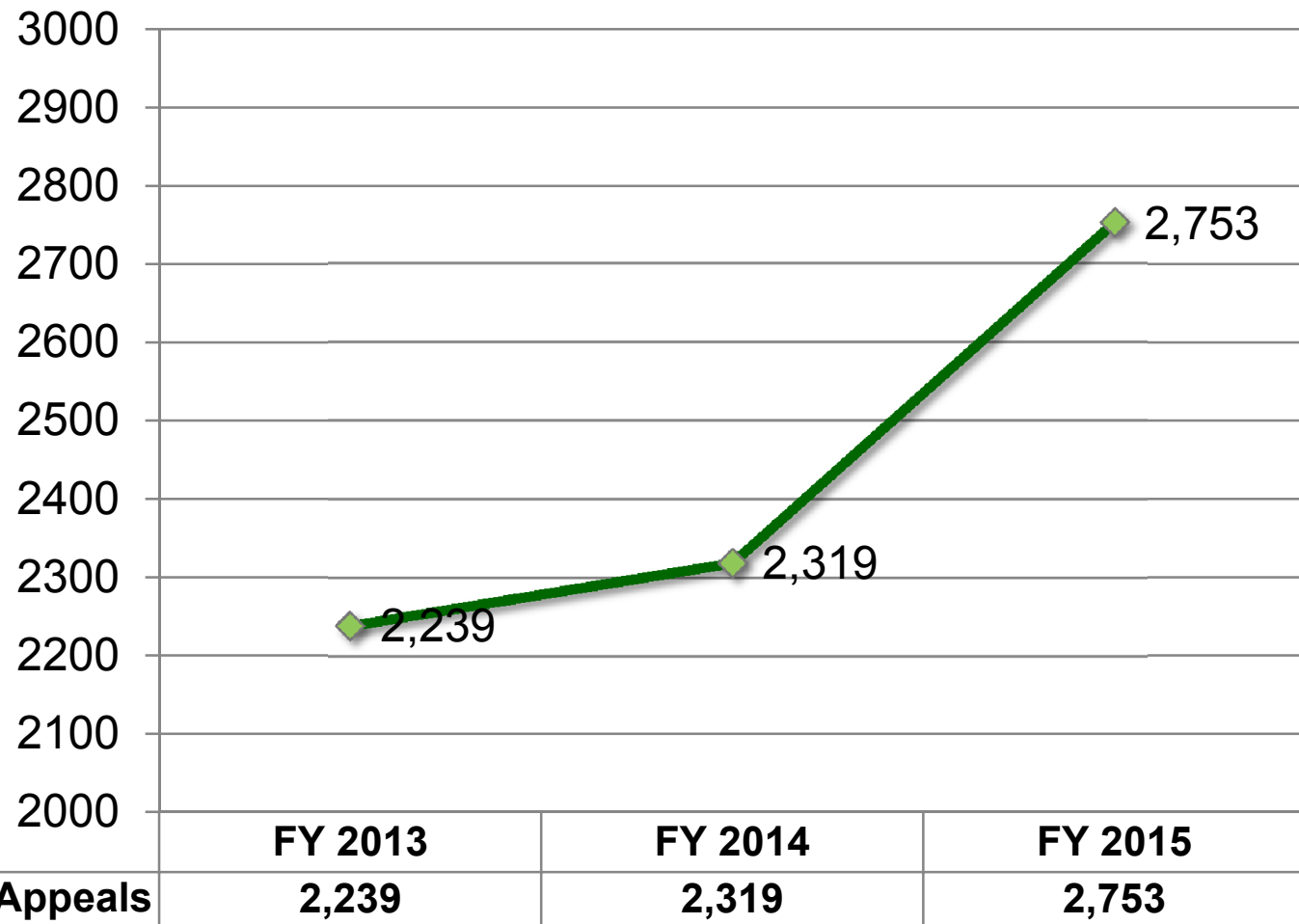




RISE IN *PRO SE* MISDEMEANOR APPEALS

Misdemeanor Appeals, within all Criminal Cases

A 23% increase in Misdemeanor Appeal cases, which are generally filed *PRO SE* (without an attorney) require increased administrative/procedural support



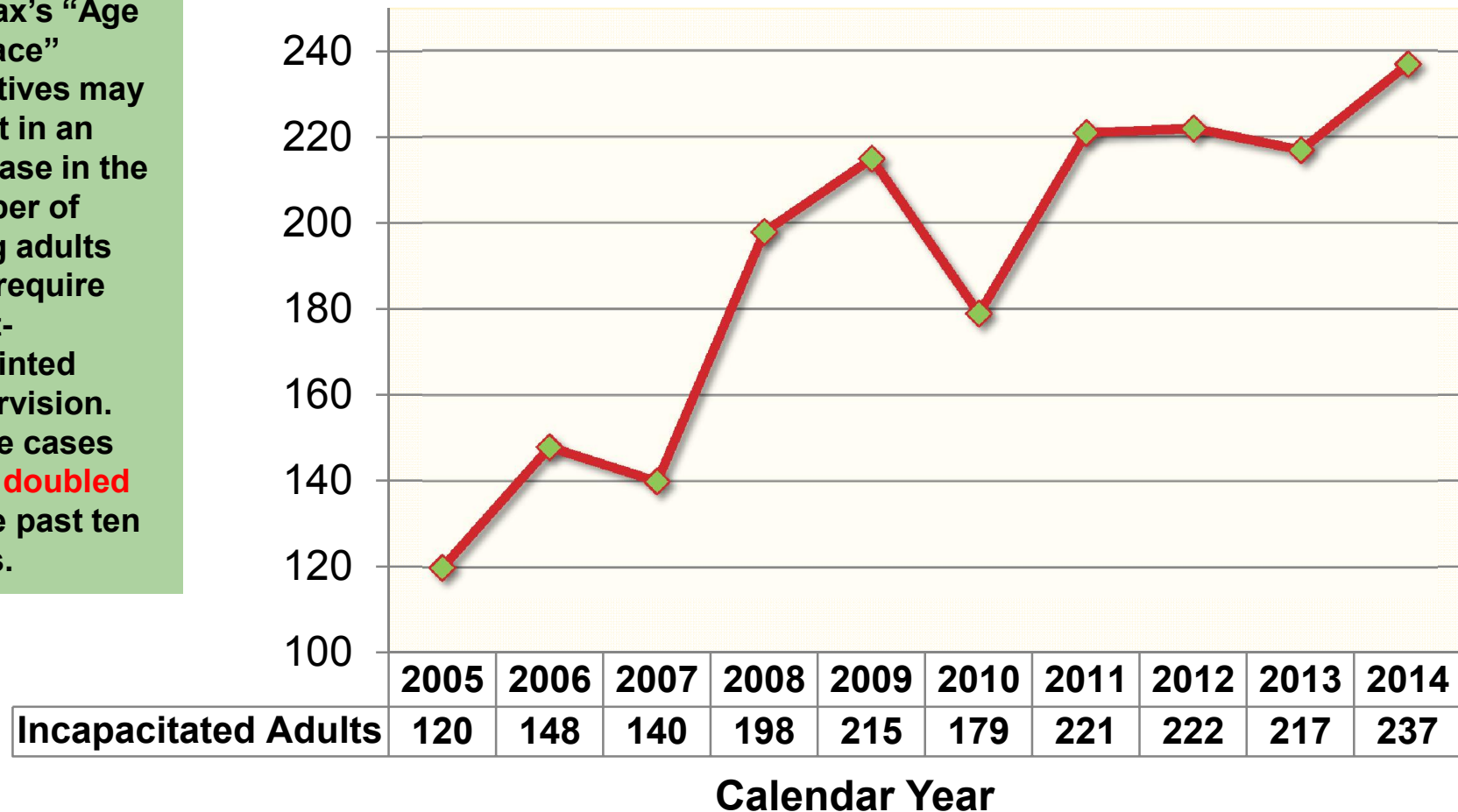
Fiscal Year



AGING POPULATION EFFECTS ON COURT

Rise in Adult Incapacitations

Fairfax's "Age in Place" initiatives may result in an increase in the number of aging adults who require court-appointed supervision. These cases have **doubled** in the past ten years.

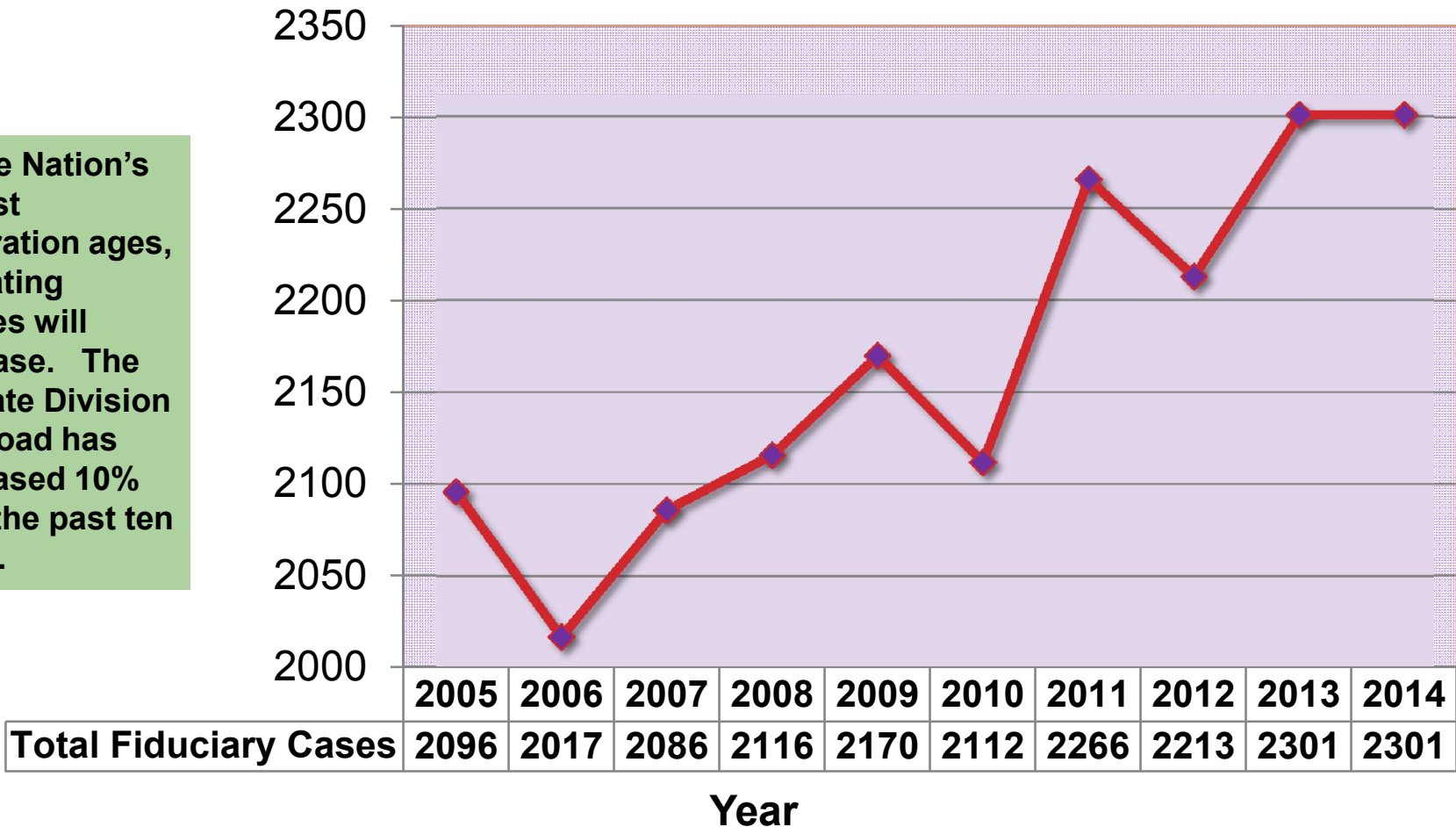




PROBATED WILLS & INTESTATE ESTATES

Rise in Estate Probates by the Clerk

As the Nation's largest generation ages, probating estates will increase. The Probate Division caseload has increased 10% over the past ten years.





TRENDS AND CHALLENGES

- An aging population increases the **Incapacitated Adult** docket (these cases have **doubled** in the past 10 years) and increases the number of *Guardian Ad Litem* and Estate Conservators appointed to monitor the elderly. The Clerk has seen a **20% increase** in the number of Wills/Estates (*both wills and intestate*) filed over the past 10 years.
- As The Millennials age, Marriage Licensure is increasing. The Clerk has seen a **12% increase** in the number of Marriages Licenses issued in the past three years.
- As Northern Virginia chooses to create HOT-Lanes for traffic management, there has been a **23% increase** in the number of Misdemeanor Appeal from the lower court, to the Circuit Court. Residents are increasingly opting to file cases without a lawyer (*pro se*) which **increases the amount of staff support** these litigants need, as they navigate their litigation.
- The Court has seen an increase in the number of “High-Profile Cases.” While often these are murder trials, they *can be* either criminal or civil trials which are of **intense interest to the Fairfax Community** and often followed closely by news media. In the past three years, the Clerk has observed a **63% increase** in the number of murder cases in Fairfax Circuit Court (2013 there were 8, 2015 there were 13) many of which were of particular interest to the community. To promote transparency, the Clerk places selected Orders and Motions in these High Profile cases on our website, so that everyone can review these public records. Court staff handle increased public information requests during these types of trials, even with increased overall caseload.



LOOKING FORWARD

- Because all duties of the Fairfax Circuit Court & Records are **mandated by the Code of Virginia** and Rules of the Supreme Court, (and thus are non-discretionary) Circuit Court will meet the increasing needs of the Fairfax Court-users, regardless of budgetary environment.
- The Court will continue to exceed Virginia Supreme Court goals for case clearance rates (the Court disposes of **87% of all commercial litigation** within 12 months and **98% of divorces** within 15 months of initial filing).
- Fairfax is the Gold Standard for Court Administration in Virginia and will remain the highest-performing Circuit in the Commonwealth. As new technologies are on-boarded, the technical sophistication of processing the **yearly 25,000 cases**, will increase.
- Court staff operate in a high-volume and high-visibility environment, which allows no room for error. Court staff balance the critical, functional demands of the **Virginia Constitution, the U.S. Constitution, the Code of Virginia** and **the Rules of the Virginia Supreme Court**, with a culture of superior customer service.
- In the last 4 years, the Clerk's Office of the Fairfax Circuit Court has watched **57% of its senior management retire**. Fairfax Circuit Court's biggest challenge is hiring, training, and retaining staff who work in a highly-sophisticated, highly-professional, highly-technological and intense courthouse, with specialized knowledge of the Virginia Code & Rules of Court—all, with a reduced personnel budget.
- While the Clerk's Office offers Fairfax cutting-edge technology to support the largest Circuit Court in the state, it comes at a cost. In the last 4 years, technology maintenance expenses have risen 8% each year, now constituting a full **46% of the Court's Operating Budget**—all, with a reduced operating budget.



DISCUSSION

The local courthouse is a unique place in the life of every Fairfax resident. It is the place where Fairfax's great joys– and heavy sorrows-- get formalized.

It is where you get your marriage license.

It is where you record the deed to your very first home.

It is where you legalize the adoption of your baby.

It is where your budding business registers its trade name.

And...

It is where families settle the estate of their deceased loved ones.

It is where weary families get legal guardianship of their aging parent.

It is where divorces get finalized and custody established.

It is where unspeakable crimes get tried and criminals are sentenced.

In all of this, Fairfax can count on:

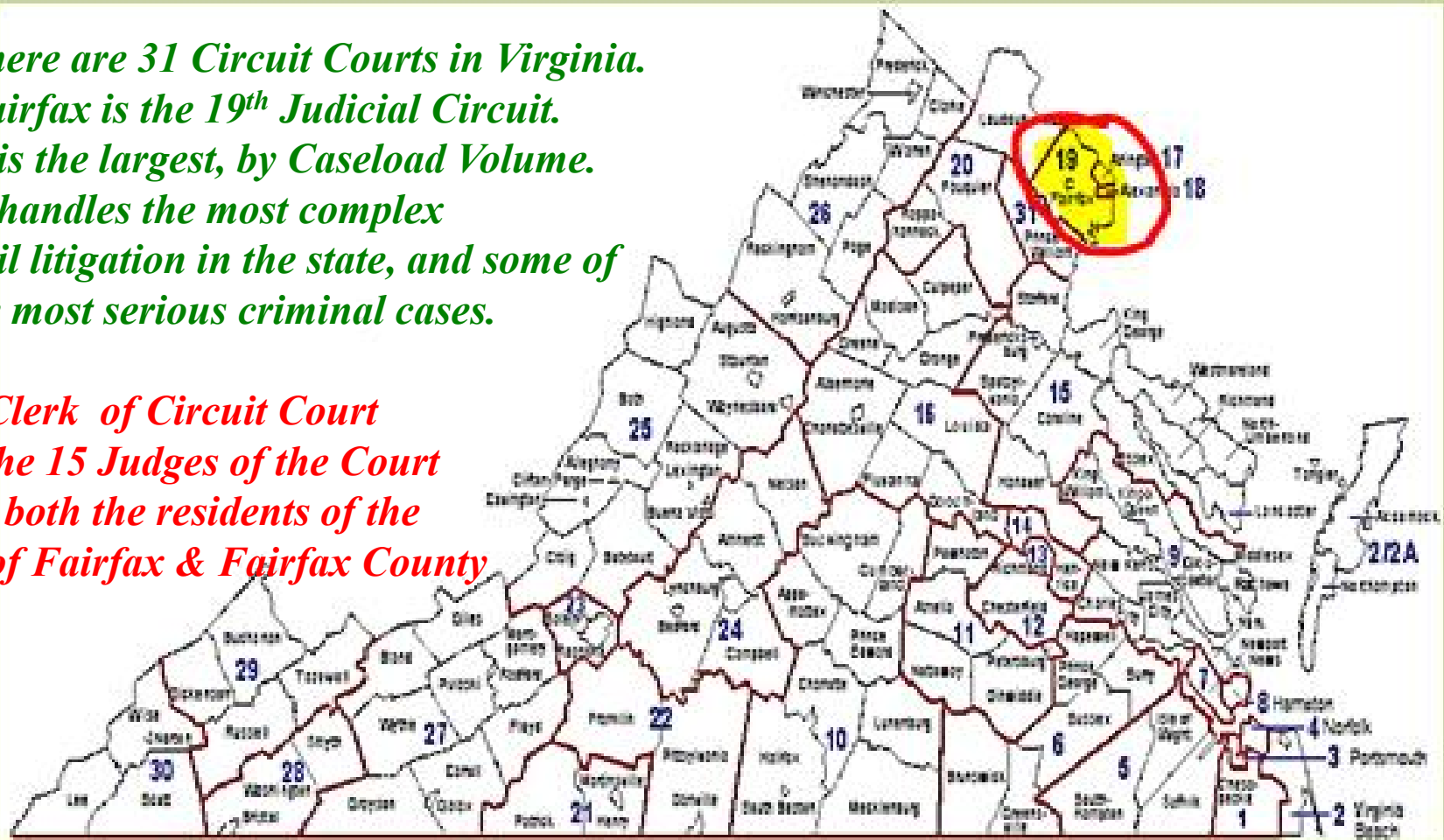
A FAIR PROCESS FOR EVERYONE, WITH THE VERY BEST SERVICE TO ALL.



THE 19TH JUDICIAL CIRCUIT IS THE LARGEST BY CASE VOLUME IN THE ENTIRE COMMONWEALTH

- ✓ *There are 31 Circuit Courts in Virginia.*
- ✓ *Fairfax is the 19th Judicial Circuit.*
- ✓ *It is the largest, by Caseload Volume.*
- ✓ *It handles the most complex civil litigation in the state, and some of the most serious criminal cases.*

The Clerk of Circuit Court and the 15 Judges of the Court serve both the residents of the City of Fairfax & Fairfax County



CIRCUIT COURT AND RECORDS

✓The Circuit Court of Fairfax has been serving the people of Fairfax since 1742. The Judicial Complex is home to the 1799 Courthouse which houses our Historic Records Center. The Archivists preserve Fairfax's ancient court documents including, George & Martha Washington's original Wills.



County of Fairfax, VA – 2016 Lines of Business Presentation

In the name of God amen
I George Washington of the County of Fairfax
- and lately President of the United States,
do make, ordain and declare this
Instrument, which is written with
my own hand, a several pages here
of subscribed, my name, to be
my last Will and Testament, revocable
King all other
premises. All my debts, of which there
are but few, and none of magnitude,
are to be paid in and speedily paid
- and the residue hereafter bequeathed
at, are to be distributed as soon as the
circumstances will admit, and in the
manner directed
To my dear wife Martha Washington
the use, profit, and disposal of my whole
estate, real and personal, except such part
of her natural life, as she shall see fit
to reserve for herself, and the term of years
as she shall see fit to reserve for herself,
her heirs forever