

Circuit Court and Records

LOB #180:

COURTROOM OPERATIONS

Purpose

Because all functions of the Clerk's Office are mandated by the Code of Virginia, the primary purpose is to observe all Code-mandated duties and Rules of Court related to Circuit Court trials. Virginia requirements for trial practice and procedure, including the Jury process, are found throughout the Code, based on the type of case being tried. Taken together, Title 8 "Civil Remedies & Procedures," Title 19 "Criminal Procedure," and Title 17 "Circuit Courts," establish the basic pretrial, jury trial, and appellate processes. A full complement of the Fairfax Circuit Court is fifteen judges, who oversee all public trials in Fairfax. The purpose of the Courtroom Operations Division is to provide the public and case parties meaningful access to a full, fair, and procedurally-sound trial. By strictly observing all practice and procedures established in Title 8, Chapter 11 and Title 19, Chapter 13, which govern administration of civil juries, petit, grand juries and special grand juries, the Clerk's Office effectively manages Fairfax's impartial jury trial system. Additionally, the Courtroom Operations Division provides the trial judge with all trial preparation materials and resources needed to preside over a full and fair hearing, and to admit into evidence all exhibits that will become the official trial record. The Clerk works with the bench throughout the course of the trial (from pretrial motions, empanelling of the jury, to post-sentencing reconsiderations) to meet Virginia's Speedy Trial statute deadlines and to satisfy other Constitutional rights owed to the parties and the victims.

Description

The Clerk of Court provides the judicial support apparatus for full, fair and efficient trials and hearings before the Fairfax Circuit bench. The Code of Virginia provides that jury trials are only available in Circuit Court and the Clerk is statutorily responsible for jury management.

For criminal trials, the Courtroom Operations Division assists the judge with pretrial motions, administering the empanelling of the jury, marking the exhibits admitted into the record, and drafting orders reciting the judge's rulings for each day of the trial. With the defendant's personal freedom at stake, the Courtroom Operations Division works with precision, when compiling the guilt-phase and sentencing-phase trial record and when generating prison-related documents like the jail card and sentencing order.

The Courtroom Operations Division manages the civil trial schedule by preparing the judges for the Friday Motions Day docket, which helps the Fairfax Circuit Court keep its voluminous caseload timely. Pre-trial hearings keep the case apace and increase the Circuit Court's measurement of Trial Date Certainty and Time to Disposition, which are state judicial benchmarks for the highest performing courts. In FY2015, a full 98 percent of domestic cases were concluded within 15 months of initial filing; and 87 percent of contract and commercial litigations were concluded within a year. When a civil matter goes to trial, the Courtroom Operations Division again assist in the courtroom administration: marking exhibits for admission into the record, and communicating with the parties on behalf of the judge regarding routine procedural matters.

Finally, because the Clerk of Court is mandated to administer the Jury management process, the Courtroom Operations Division works with the Virginia Supreme Court to send out juror questionnaires every year. Jury Commissioners establish the pool of qualified jurors. The Courtroom Operations Division summons and schedules jurors for jury duty in Fairfax Circuit Court through the year. The Courtroom Operations Division also addresses ADA or language interpreter accommodations for jurors, parties, victims or counsel who may need assistance in accessing the court. The Clerk of Court provides the judicial support apparatus for full, fair and efficient trials and hearings before the Fairfax Circuit bench. The Code of Virginia provides that jury trials are only available in Circuit Court and the Clerk is statutorily responsible for jury management.

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Benefits

Per Article VII, Section 4 of the Constitution of Virginia, the Clerk of Circuit Court is the Constitutional Officer who is mandated by the Code of Virginia to work with the Virginia Supreme Court and the Chief Judge of the Circuit Court to administer the jury management process. Putting an emphasis on maintaining an efficient and streamlined, jury duty program helps the Court in their work of presiding over an impartial jury trial. The Courtroom Operations Division further benefits Fairfax, as it assists keeping the Circuit Court's reputation of having an aggressive trial docket. Because civil litigation schedules are so busy and efficient, the Fairfax Circuit Court meets and exceeds state court performance benchmarks for Time to Disposition and Trial Date Certainty. With 87 percent of civil litigations concluding in a year and 98 percent of domestic cases concluding within 15 months, the Court has a reputation as a "Rocket Docket" which shows the business community and the citizens of Fairfax that this area is an appealing place to work, live and raise a family.

Mandates

As mentioned above, Virginia requirements for trial practice and procedure, including the Jury process, are found throughout the Code, based on the type of case being tried. Taken together, Title 8 "Civil Remedies & Procedures," Title 19 "Criminal Procedure," and Title 17 "Circuit Courts," establish the basic pretrial, jury trial, and appellate processes. A full complement of the Fairfax Circuit Court is fifteen judges, who oversee all public trials in Fairfax. The purpose of the Courtroom Operations Division is to provide the public and case parties meaningful access to a full, fair, and procedurally-sound trial. By strictly observing all practice and procedures established in Title 8, Chapter 11 and Title 19, Chapter 13, which govern administration of civil juries, petit, grand juries and special grand juries, the Clerk's Office effectively manages Fairfax's impartial jury trial system. Additionally, the Courtroom Operations Division provides the trial judge with all trial preparation materials and resources needed to preside over a full and fair hearing, and to admit into evidence all exhibits that will become the official trial record. The Clerk works with the bench throughout the course of the trial (from pretrial motions, empaneling of the jury, to post-sentencing reconsiderations) to meet Virginia's Speedy Trial statute deadlines and to satisfy other Constitutional rights owed to the parties and the victims.

Trends and Challenges

One trend the Courtroom Operations Division sees in its jury administration is the overwhelming preference of citizens of Fairfax for electronic filing of their annual jury questionnaires. For the 2014 term of court, 19,285 citizens e-filed their survey; for the 2015 term 20,202 potential jurors e-filed; and already 18,364 people have e-filed their juror questionnaire in the not-yet completed 2016 return period. The agency is on pace to again enjoy a yearly 5 percent increase in use of the Clerk's e-survey portal.

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Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #180: Courtroom Operations			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$1,264,200	\$1,234,992	\$1,303,320
Operating Expenses	215,595	242,552	220,647
Total Expenditures	\$1,479,795	\$1,477,544	\$1,523,967
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$1,479,795	\$1,477,544	\$1,523,967
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	23 / 23	23 / 23	23 / 23
Exempt	1 / 1	1 / 1	1 / 1
Total Positions	24 / 24	24 / 24	24 / 24

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Total Juries Impaneled: Civil & Criminal Trials	235	196	189	200	200
Average number of Citizens called for Jury Duty each day of Jury Selection	67	61	61	60	60
Jury Utilization Rate	91%	89%	89%	90%	90%

With increased efficiency in jury management, the Clerk's Office has seen a decrease in the number of jurors impaneled to serve on a jury trial, while at the same time maintaining a juror utilization rate of 89 percent. It is important to note that while most trials only last 2 days, more complex and/or high-profile criminal prosecutions, can use substantially more jurors for the *voir dire* proceedings; due to this uncertainty and Fairfax Circuit Court's frequent hearing of high-profile or complex cases, the jury duty process must be carefully managed.