

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 200,000 land transactions last 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 & 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. This “de novo” appellate jurisdiction, means that litigants receive an all-new review of their case, when it appeals to the Circuit Court. Also, as opposed to the lower courts, Circuit Court offers all litigants the right to a jury trial; this is true access to justice, for all people.

In FY 2020, during the months prior to COVID-19 pandemic, over 5,000 Citizens were brought into the Courthouse, to serve on petit juries—on pace with normal performance. Importantly, even during the pandemic, the Grand Juries, and Multi-jurisdictional Grand Juries still convened, without interruption. The Circuit Court of Fairfax, through use of existing technologies, was able to run its two specialty dockets, the Veterans Treatment Docket and a Drug Court, without interruption during the pandemic.

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, even when the rest of the Citizen’s government is otherwise shutdown. Fairfax citizens expect a highly informed, knowledgeable, customer-oriented staff, and that core functions of the Court will be available to protect civil liberty interests. The Clerk’s Office has never been so proud of its culture of excellence displayed during the COVID-19 pandemic, and relies on two, major budgetary investments: 1) Technology and 2) Talent. Because of this philosophy of wise investment in talented people and agile systems, the Fairfax Circuit Court was able to remain open to the public, and civil liberties were preserved, even during a global 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). Another foundational system that took on pronounced importance is the Clerk’s Online Marriage License pre-app, as the Clerk moved to *exclusively remote* Marriage License appointments, to reduce the social footprint in the courthouse during the pandemic. Couples applied online and were sworn-in over a Webex video conference. But none of these tech-solutions and

integrated systems would have been maximized during the pandemic without a highly trained staff, who seamlessly transitioned to online work, explored new-utilities of agile systems, and who make them work well for court customers and their online experience. The Clerk's staff are, and have proven to be, high-performing paraprofessionals, fluent in Virginia legal contexts, as well as technology-savvy, eager to serve as "essential workers," and able to keep the Fairfax dockets and civil liberties 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 preservation, inter-state comity, land recordation, notary standards, court record confidentiality, archival/preservation standards, court debt collection regulations, jury management, cybersecurity, continuity of government, fraud-prevention, court financial management, government contracting/procurement, freedom of information, managing self-represented litigants, detecting land fraud, serving customers with mental health challenges, and ethics in government service. A society is safest and securest when it has a high-performing, independent court system, dedicated to uninterrupted service, so all citizens' civil liberties have a home.

Essential 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 89 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 89 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, which was a particular benefit during the COVID-19 pandemic.

A Digital Record, For a Virtual World

In addition to the growth in digital evidence in both civil cases *and* criminal prosecutions, the pandemic's move toward "remote hearings" has expanded the horizons for the Citizen's interaction with the bench. 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. Through innovative, Supreme Court-approved Webex technology, the court is conducting non-emergency hearings, with all parties remote-appearing from their homes or offices. Licenses for Webex use, and expanded evidence submission utilities, will be a new kind of operational cost.

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 2020, the Clerk's Office maintained almost 56 million digital images of court records and land records, on its servers. But as the Clerk preserves the newest records coming out of today's remote hearings, we 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 a Historic Records Five-Year 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 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 2020, the Clerk's top-ten operating expenditures were software maintenance costs, with a full 40 percent of the Circuit Court's Operating Budget consumed by technology system maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 250 years of Fairfax legal records, and 56 million, discrete, court records, it is also a factor in responsible stewardship, and it influences the Clerk's contract-negotiations strategies, as we enter into our newest technology initiatives. Furthermore, as the new practice of "remote hearings" takes root in Virginia trial practice, the Clerk's Office will have new, higher, annual maintenance costs.

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 2021. 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. 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.

Retaining "Essential" Courthouse Talent

Court customers rightly expect a knowledgeable and responsive court staff, so personnel are the largest, and wisest, investment the Clerk makes. The hallmark quality of an effective, efficient, and excellent government, is that each public servant in the agency, has a heart for serving the citizens of Fairfax. 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 nurturing the service-oriented bent of these staff, and retaining that 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 exposure to the confidential nature of civil procedure, criminal procedure and jury trials, the Clerk's talented staff are regularly 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 our practice areas of law, court paraprofessional work stands apart from traditional administrative work. As the Virginia Supreme Court confessed in its March 17, 2020 Declaration of Judicial Emergency, circuit court clerks are "essential" personnel, that were required to report to the courthouse, every day, without interruption throughout the entire pandemic. These talented paraprofessionals came into the Courthouse to play their part in preserving the civil liberties of every Fairfax resident.

Remarkably, workload continued to grow during the pandemic. As Virginia was "shutting down" in Spring of 2020, 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. And, as Virginia gun safety reforms took effect in 2020, the Clerk saw an increase in concealed weapons permits filed. As Virginia slowly re-opened in the Fall of 2020, the Clerk's Office continued offering uninterrupted service, hosting more customers, and processing more transactions. The resulting year-over-year revenue increases reflect that in September 2020, the Circuit Clerk transmitted 55 percent more revenue to the County than that same month two years prior and 43 percent more revenue than in 2019.

Furthermore, the Clerk's staff is managing the consequences of policy-level gun-safety and criminal justice reforms. In its 2020 session, the Virginia General Assembly passed "red flag" laws, that mandate an expedited hearing, after local law enforcement identifies a gunowner who poses a "Substantial Risk" to Fairfax. These specialized civil actions require expedition, and observe a rigorous and tight, Notice and Hearing timeline, given the civil liberties that are implicated. Additionally, a change in process by the Office of the Commonwealth Attorney to not appear in Court for certain criminal cases on the Fairfax Circuit Court dockets, will mean that inevitably, more Misdemeanor Appeals will be taken by citizens who are unsatisfied with the outcome of their case in the lower courts.

Specialists in Their Field & Pioneers in Virtual Court Administration

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. While many best practices for state courts are established by national court associations and land records industry groups, when the pandemic hit Fairfax, court staff were agile, and immediately employed new technology use, creating manuals for themselves and establishing best practices on conducting remote court hearings, remote probates, and virtual marriage license appointments.

Pandemic Response and Impact

The COVID-19 Global pandemic resulted in the closing of many state and local government buildings to the public. However, because courts discern and weigh the contest of civil liberties against the state's legitimate interests in public health and safety, courts cannot themselves close in a pandemic. The Fairfax Circuit Court and Records has remained open during the pandemic in order to fulfill its Constitutionally-mandated functions.

On March 16, 2020, the Virginia Supreme Court declared a "Judicial Emergency" which postponed juries and statutory deadlines, so that court dockets could be limited to emergency cases and Constitutionally-compelled matters, (like Speedy Trial hearings, Bond Appeals, Arraignments, Involuntary Commitments, Mental Health Capacity Determinations, Guardianship/Conservator Emergency Matters and Emergency Custody matters). In Spring of 2020, in the first eight weeks of the initial COVID-19 pandemic, the Circuit Court heard over 275 cases, most of which were offered as remote hearings, as well as socially distant, in-person hearings, where needed. Technology licenses were acquired rapidly and deployed immediately to support this pivot to remote hearings and court clerk staff were trained on how to establish and conduct these hearings, while still observing all Due Process protections for the litigants.

While the Fairfax Circuit Court did postpone some matters under its jurisdiction, such as routine contract disputes, defamation cases, personal injury and malpractice claims, divorce proceedings, disputes concerning wills, and other minor civil disputes and traffic cases, matters that implicated civil liberties observed no change in service. The Court and Clerk's Office were open and operational *precisely because* a Virginian's right to a Speedy Trial, right to free alienability of land (the right to buy and sell property), right to marry (marriage license issuance), right to counsel, right to vote, and gun safety permitting rights, are essential rights. They are the core function of the local courthouse. Through creative use of existing technology, entirely remote hearings and probate/marriage licensure appointments were launched in Spring 2020.

Since the Declaration of Judicial Emergency in March of 2020, the Circuit Court has heard over 21,000 discrete hearings (both civil and criminal) most of which were held virtually. In conjunction with public health officials, the Court crafted its Jury Resumption Plan and was authorized to resume jury trials in November of 2020, under exacting public health strictures. This undeterred commitment to ensuring Fairfax has access to its court-- which itself is a civil right-- enabled the Circuit Court to keep its dockets moving, and cases heard.

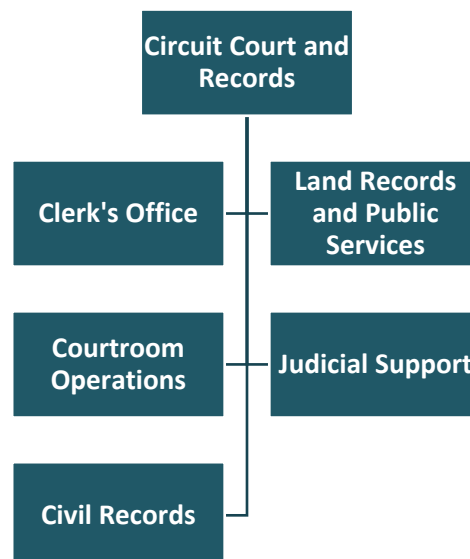
The Clerk's Office, like the Court, has Constitutionally- and statutorily-mandated duties, and, as an essential service provider was explicitly directed by the Virginia Supreme Court to stay open and remain operational to the public. In addition to continually offering the public the ability to file their court cases and litigation pleadings, the Clerk's Office served a record number of citizens seeking a Marriage License, just as other localities were shuttering their marriage offices. The Clerk's talented team of IT professionals enhanced already-existing on-line offerings (like the Marriage License Pre-Application) to convert Fairfax into a national leader in "Virtual Marriage License" issuance.

As with the remote-court hearings, the Clerk's Office pivoted to offering exclusively "Virtual Probate" to reduce the in-court requirement for our community's most COVID-vulnerable population. Capitalizing on the court's 89 percent "e-file" rate in the Land Records Office, has allowed the Clerk's Office to greatly reduce public-counter visits for real estate transactions, as well. The Clerk's Office also saw an increase in the number of Notary Commissions at the counter, as more citizens sought notary services no longer offered by banks that had closed their lobby services.

For those matters that absolutely require a customer to come to the Courthouse, the Clerk's Office worked tirelessly with the Office of Emergency Management and the Facilities Management Department to supply the Courthouse with public health signage, public counter hand sanitizers, and permanent, tempered glass counter shields, and fever-scan protocols, to protect both the public customers and the court staff. Centers for Disease Control and Prevention (CDC) recommended signage was translated into the foreign languages spoken in the Courthouse so that all public consumers were kept informed on personal protective equipment and public health best practices.

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.

Organizational Chart



Budget and Staff Resources

Category	FY 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$10,020,175	\$10,436,835	\$10,596,335	\$10,436,835	\$10,541,091
Operating Expenses	2,053,231	2,045,826	2,099,678	2,245,826	2,245,826
Capital Equipment	94,398	0	104,910	0	0
Total Expenditures	\$12,167,804	\$12,482,661	\$12,800,923	\$12,682,661	\$12,786,917
Income:					
Land Transfer Fees	\$25,487	\$26,194	\$26,194	\$26,194	\$26,194
Courthouse Maintenance Fees	25,188	32,475	32,475	32,475	32,475
Circuit Court Fines and Penalties	51,354	111,913	111,913	111,913	111,913
Copy Machine Revenue	70,616	70,756	70,756	70,756	70,756
County Clerk Fees	4,472,379	4,505,293	5,855,293	4,550,364	4,550,364
City of Fairfax Contract	240,932	293,607	269,146	269,146	269,146
Recovered Costs - Circuit Court	739	25	25	25	25
CPAN	377,632	376,701	376,701	376,701	376,701
State Shared Retirement - Circuit Court	172,060	182,465	182,465	182,465	182,465
Total Income	\$5,436,387	\$5,599,429	\$6,924,968	\$5,620,039	\$5,620,039
NET COST TO THE COUNTY	\$6,731,417	\$6,883,232	\$5,875,955	\$7,062,622	\$7,166,878
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	156 / 156	156 / 156	156 / 156	156 / 156	156 / 156
Exempt	24 / 24	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

FY 2022 Funding Adjustments

The following funding adjustments from the *FY 2021 Adopted Budget Plan* are necessary to support the FY 2022 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 4, 2021.

Employee Compensation **\$104,256**
 An increase of \$104,256 in Personnel Services is included for a 1.00 percent market rate adjustment (MRA) for all employees effective July 2021.

Body-Worn Camera Program **\$100,000**
 An increase of \$100,000 for the implementation of Phase Two and Phase Three of the Body-Worn Camera program is required to support full year costs of the 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 2021
Adopted
Budget Plan**

The following funding adjustments reflect all approved changes in the FY 2021 Revised Budget Plan since passage of the FY 2021 Adopted Budget Plan. Included are all adjustments made as part of the FY 2020 Carryover Review, FY 2021 Mid-Year Review, FY 2021 Third Quarter Review, and all other approved changes through April 30, 2021.

Carryover Adjustments \$96,262

As part of the *FY 2020 Carryover Review*, the Board of Supervisors approved \$96,262 in encumbered funding in Operating Expenses.

Body-Worn Camera Program \$62,500

As part of the *FY 2020 Carryover Review*, the Board of Supervisors approved one-time funding of \$62,500 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.

Third Quarter Adjustments \$159,500

As part of the *FY 2021 Third Quarter Review*, the Board of Supervisors approved funding of \$159,500 in Personnel Services for a one-time compensation adjustment of \$1,000 for merit employees and \$500 for non-merit employees paid in May 2021.

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 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
EXPENDITURES					
Total Expenditures	\$2,259,710	\$3,208,113	\$3,195,656	\$3,208,113	\$3,235,773
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	31 / 31	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 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
EXPENDITURES					
Total Expenditures	\$2,443,538	\$2,525,908	\$2,569,080	\$2,525,908	\$2,547,998
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	46 / 46	46 / 46	46 / 46	45 / 45	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 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
EXPENDITURES					
Total Expenditures	\$3,851,695	\$3,126,749	\$3,352,539	\$3,326,749	\$3,345,275
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	24 / 24	24 / 24	25 / 25	25 / 25	25 / 25
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 19th Judicial Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
EXPENDITURES					
Total Expenditures	\$1,102,660	\$1,555,413	\$1,574,137	\$1,555,413	\$1,570,727
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
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 19th Judicial Circuit.

Category	FY 2020 Actual	FY 2021 Adopted	FY 2021 Revised	FY 2022 Advertised	FY 2022 Adopted
EXPENDITURES					
Total Expenditures	\$2,510,201	\$2,066,478	\$2,109,511	\$2,066,478	\$2,087,144
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	53 / 53	53 / 53	52 / 52	53 / 53	52 / 52

Position Detail

The FY 2022 Adopted 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 - 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 - 34 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 III
1	Administrative Assistant V, E	1	Financial Specialist II
5	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	Legal Records Supervisor
14	Judges S	1	Senior Legal Records Clerk
15	Judicial Law Clerks E		
CIVIL RECORDS - 52 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	5	Administrative Assistants I
	E Denotes Exempt Position(s)		
	S Denotes State Position(s)		

Performance Measurement Results

Because the Circuit Court is a court of “general jurisdiction,” all residents of Fairfax, regardless of demographic, have access to justice, precisely because the courthouse never closes, despite the declared state and national emergencies. Furthermore, because all forms of Constitutionally protected civil liberties are served by the Circuit Clerk, the federal and state Constitutions demand the Clerk’s Office be open for business. During the COVID-19 pandemic and during the Virginia Supreme Court’s Declaration of Judicial Emergency, marriage licenses (right to marry), concealed weapons permits (the right to keep and bear arms), real estate recordings (the free alienability of land), notaries (the right to monetary interest in professional licensure), grand jury (the right to presentment), voter registration appeals, and the Clerk swearing-in elected officials (the right to vote) were all services supplied by the Fairfax Circuit Clerk’s Office.

Because the court provides continuous public service, volume increase trends during a state shutdown reveal operational pressures on the Clerk’s Office. As interest rates dropped to below three percent in FY 2020, the Clerk took in 165,156 land records, compared to the previous fiscal year’s 122,530, a 35 percent increase in the Fairfax real estate recordings. Resultingly, the CPAN digital image corpus grew by almost 2 million images, up to 55,528,281, in FY 2020.

With the increase of workload, and with the adoption of “virtual appointments” and “remote hearings” into the practice of law in Fairfax, the Clerk’s Office is seeing a time-delay in service delivery due to the very real logistics of “virtual” marriage licensure, CWP applications, and probate. For example, whereas the Marriage License counter could conduct same-day, walk-in applicants before the COVID-19 pandemic, now there is a 2-week wait, to have your Webex “Virtual Marriage License Appointment” scheduled.

Another area of critical civil liberties performance is the Clerk’s management of the 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, efficient, and safe 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.

Due to the Virginia Supreme Court’s Order Declaring the COVID-19 Judicial Emergency issued on March 16, 2020, all jury trials in Virginia were suspended until November 9, 2020. While the number of jurors called-in for service suddenly dropped with that Emergency Declaration, the operating costs for the Jury Division did not change. Jury clerks worked closely with the Bench to establish public health-compliant jury pool protocols, create a juror public-health questionnaire process compliant with federal and state public health standards, and implement a Virginia Supreme Court-authorized Jury Resumption Plan. Per the Fairfax plan, and anticipating that some jurors might have legitimate concerns about serving on a jury during the pandemic, the Clerk’s Office called-in more citizens than pre-pandemic norms, to ensure sufficient qualified jurors were available to serve on a given day. As a handful of jury trials began through the Winter of 2020, the Clerk’s jury utilization rate decreased by about twenty percent, and will likely continue at that reduced rate, for the duration of the COVID-19 pandemic, as the Clerk calls in a higher-than-usual number of residents. While jury trials have resumed at a modest pace, to accommodate social distancing protocols, most jurors have still arrived, ready to do their civic duty. While Fairfax boasts an 83 percent Juror Utilization Rate prior to COVID-19, it is a credit to the citizenry that exercising their civic rights and performing civic duties see only modest decrease in efficiency in the face of a pandemic.

Circuit Court and Records

Indicator	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimate	FY 2020 Actual	FY 2021 Estimate	FY 2022 Estimate
Land Records and Public Services						
Percent change in time to return documents	(16%)	100%	0%	180%	(43%)	(43%)
Percent change of CPAN connections	2.8%	3.0%	0.0%	0.2%	0.0%	0.0%
Percent change in waiting time	33.0%	35.0%	0.0%	(7.4%)	(20.0%)	(20.0%)
Courtroom Operations						
Percentage point change in juror utilization rate	1	(5)	1	(1)	(21)	(21)
Clerk's Office						
Percentage change in number of requests (phone & email) received	(12%)	6%	3%	(3%)	3%	3%
Civil Records						
Percentage point change of DCTP Law caseload concluded within one year	(1)	(4)	0	7	(2)	(2)
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	1	0	0	0	0	0

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2022-adopted-performance-measures-pm>